

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Regular Meeting
Tuesday, June 14, 2005 - - 7:00 p.m.

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Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Andrew H. Macdonald, Paul C. Smedberg and Joyce Woodson.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Spero, Assistant City Attorney; Mr. Baier, Director, Transportation and Environmental Services; Ms. Gordon, Public Information Officer; Ms. Boyd, Director, Citizen Assistance; Mr. Neckel, Director, Finance; Ms. Barnett, Deputy Director of Program Operations, Parks, Recreation and Cultural Activities; Mr. Blakley, Deputy Director, Parks, Recreation and Cultural Activities; Ms. Vosper, Landscape Architect Supervisor, Parks, Recreation and Cultural Activities; Mr. Culpepper, Deputy Director, T&ES; Mr. Josephson, Deputy Director, Planning and Zoning; Ms. Davis, Housing Director; Mr. Dahlberg, Code Enforcement Director; Mr. Neckel, Finance Director; Ms. Federico, Historic Alexandria Director; Dr. Gilmore, Executive Director, Mental Health, Mental Retardation and Substance Abuse; Police Lt. Uzzell; and Mr. Farid, Telecommunications Coordinator, General Services.

Recorded by: Jackie M. Henderson, City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all the members of City Council were present.

2. Moment of Silence and Pledge of Allegiance.

City Council observed a moment of silence and recited the Pledge of Allegiance.

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City Council observed a moment of silence and recited the Pledge of Allegiance.

3. Reading and Acting Upon the Minutes of the Following Meetings of City Council:

(a) The Special Meeting Minutes of May 17, 2005; and

(b) The Regular Meeting Minutes of May 25, 2005.

WHEREUPON, upon motion by Councilman Gaines, seconded by Councilman Krupicka and carried unanimously, City Council approved the special meeting minutes of May 17, 2005 and the regular meeting minutes of May 25, 2005. The voting was as follows:

Gaines	"aye"	Pepper	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL

4. (a) Presentation by The MacChorus at Douglas MacArthur Elementary School.

The students from the Douglas MacArthur Elementary School chorus performed songs for the Council and audience.

(b) Recognition of "Lupe's Kids."

City Council recognized the Latino American Student Society (Lupe's Kids.)

PROCLAMATIONS

5. Presentation of the Student Human Rights Awards.

City Council recognized the student human rights award winners:

Jodie Rubenstein, facilitator at The Alexandria Student Connection Forum 2004 on Race and Culture, T.C. Williams student

The student participants of the Introduction to Special Education class at T.C. Williams-- Lindsay McCrea, Rebecca Glasberg, Paige Cantfil, Sana Waheed

Jasmine Homayoon Lister, St. Stephen's & St. Agnes School, for her Tsunami support program and other endeavors.

6. Presentation of a Proclamation Declaring June as Safe Graduation Month.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council endorsed the proclamation.

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

CONSENT CALENDAR (7-27)

(Resignations and Uncontested Appointments)

7. Receipt of the Following Resignations from Members of Boards, Commissions and Committees.
- (a) Alexandria Budget and Fiscal Affairs Advisory Committee
Anna Leider
 - (b) Alexandria Commission for the Arts
Lien Tran
 - (c) Alexandria Human Rights Commission
Scott E. Schwartz
 - (d) Alexandria Landlord-Tenant Relations Board
Adam R. Goldstein
 - (e) Alexandria Potomac Yard Design Advisory Committee
Stephanie Sample
 - (f) Alexandria Social Services Advisory Board
Alison DeCoursey
 - (g) Alexandria Traffic and Parking Board
Thomas Walczykowski
 - (h) Alexandria Transportation Safety Commission
Thomas Walczykowski
 - (i) Alexandria Youth Policy Commission
Brian Principato

8. Uncontested Appointments to Boards, Commissions and Committees:
- (a) Alexandria-Caen Exchange Committee
2 Citizen Members
 - (b) Alexandria-Gyumri Sister City Committee
2 Citizen Members
 - (c) Alexandria Citizen Corps Council
1 Representative of the Alexandria Chapter of the American Red Cross
 - (d) Alexandria Commission on Aging
1 Representative of A Supportive Services Provider
 - (e) Alexandria Commission on HIV/AIDS
1 Member From and Representing the City of Alexandria Public Schools
 - (f) Alexandria Commission on Persons With Disabilities
1 Citizen Member
 - (g) Alexandria Emergency Medical Services Council
1 Citizen Member
 - (h) Alexandria Environmental Policy Commission
2 Members From the Field of Environmental Sciences (e.g. Environmental/Sanitary Engineering, Ecology, Geology, Botany, Hydrology, Chemistry) or Who Have Alexandria Waterfront Expertise
 - (i) Historic Alexandria Resources Commission
1 Representative From the Torpedo Factory Artists Association
1 Member From Planning District I
 - (j) Alexandria Public Records Advisory Commission
1 Citizen Member
 - (k) Alexandria Sister Cities Committee
1 Citizen Member
 - (l) USS Alexandria Liaison Committee
1 Representative From the U.S. Navy League
 - (m) Alexandria Waterfront Committee

1 Representative From the Alexandria Convention
and Visitors Association

- (n) Alexandria Youth Policy Commission
1 Representative of the Business Community

(Reports and Recommendations of the City Manager)

9. Consideration of a Non-Competitive Grant Application to the Virginia Department of Environmental Quality, Litter Prevention and Recycling Program, for Funding for the Adopt-A-Park Litter Control Program.
10. Consideration of a Memorandum of Understanding Between Potomac Rappahannock Transportation Company and the City of Alexandria For West End Transportation for the Department of Parks, Recreation and Cultural Activities Programs.
11. Consideration of Application for Local Capability Assessment for Readiness (LCAR) Funds From the Virginia Department of Emergency Management.
12. Receipt of Proposed Gift to the City of the Stabler-Leadbeater Apothecary Museum and Its Collections.

(Ordinances for Introduction)

13. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the Provisions in the City Code Regulating Inoperable Motor Vehicles.
14. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the Provisions of the City Code to Enhance Enforcement Options For Motor Vehicles on Which Personal Property Taxes Are Delinquent.
15. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the Provisions of the City Code Establishing the City's Residential Rental Inspection and Permit Program.
16. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the Provisions of the City Code to Allow Home Daycare and Health Care Providers to Obtain Permits to Park in Residential Permit Parking Districts.
17. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the Provisions of the City Code to Reform the BPOL Tax.
18. Introduction and First Reading. Consideration. Passage on First Reading of an

Ordinance to Amend the Provisions of the City Code Requiring the Removal of Graffiti.

19. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the City Code to Regulate the Operation of Mopeds and "Pocket Bikes."
20. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the Provisions of the City Code Establishing Fire Prevention Regulations.
21. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Adopt the King Street Retail Strategy as a Part of the City's Master Plan.
22. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Adopt the King Street Urban Retail Zone.
23. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Adopt the King Street Outdoor Dining Overlay Zone.
24. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Establish a New Parking Meter Zone in East Eisenhower.
25. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Approve an Encroachment For a Hotel Canopy at 400 Courthouse Square.
26. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance Making Supplemental Appropriations For FY 2005.
27. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance Making Appropriations For FY 2006.

END OF CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council approved the Consent Calendar as follows, with the removal of items 9, 15 and 17 and considered them under separate motion. The City Manager's recommendations were as follows:

7. City Council accepted the following resignations with regret: (a) Anna Leider, Alexandria Budget and Fiscal Affairs Advisory Committee; (b) Lien Tran, Alexandria Commission for the Arts; (c) Scott E. Schwartz, Alexandria Human Rights Commission; (d) Adam R. Goldstein, Alexandria Landlord-Tenant Relations Board; (e) Stephanie Sample, Alexandria Potomac Yard Design Advisory Committee; (f) Alison

DeCoursey, Alexandria Social Services Advisory Board; (g) Thomas Walczykowski, Alexandria Traffic and Parking Board; (h) Thomas Walczykowski, Alexandria Transportation Safety Commission; and (i) Brian Principato, Alexandria Youth Policy Commission.

8. City Council made the following appointments: (a) appointed Joseph LaMountain and Jayne Clancy as the two citizen members to the Alexandria-Caen Exchange Committee; (b) appointed Christine Coussens and Jeffrey Swedberg as the two citizen members to the Alexandria-Gyumri Sister City Committee; (c) waived the residency requirement and appointed Dawn Matterness as the one representative of the Alexandria Chapter of the American Red Cross to the Alexandria Citizen Corps Council; (d) appointed Lisa Baranello as the one representative of a supportive services provider to the Alexandria Commission on Aging; (e) reappointed Dennis Burstein as the one member from and representing the City of Alexandria Public Schools to the Alexandria Commission on HIV/AIDS; (f) appointed Carl Lee as the one citizen member to the Alexandria Commission on Persons with Disabilities; (g) reappointed Paul Prevost as the one citizen member to the Alexandria Emergency Medical Services Council; (h) appointed Jane Casteline and waived the residency requirement and appointed Thomas Hewson, Jr., as the two members from the field of Environmental Sciences (e.g. Environmental/Sanitary Engineering, Ecology, Geology, Botany, Hydrology, Chemistry) or who have Alexandria waterfront expertise to the Alexandria Environmental Policy Commission; (i) reappointed Murney Keleher as the one representative from the Torpedo Factory Artist Association and reappointed Susan Horne-Quantannens as the one member from Planning District I to Historic Alexandria Resources Commission; (j) reappointed Charles Ziegler as the one citizen member to the Alexandria Public Records Advisory Commission; (k) appointed Giancarla Miele as the one citizen member to the Alexandria Sister Cities Committee; (l) waived the residency requirement and appointed Frederick Gorell as the one representative from the U.S. Navy League to the USS Alexandria Liaison Committee; (m) appointed JoAnne Mitchell as the one representative from the Alexandria Convention and Visitors Association to the Alexandria Waterfront Committee; and (n) appointed Christina Richardson-Jones as the one representative of the business community to the Alexandria Youth Policy Commission.

10. City Council authorized the City participation in the Memorandum of Understanding and authorized the City Manager to execute the document.

11. City Council: (a) accepted the funds, in the amount of \$2,000 provided to complete the LCAR; and (b) authorized the City Manager to execute all necessary documents that may be required.

12. City Council: (a) agreed in concept to the offer and gift of the Stabler-Leadbeater Apothecary Museum and its collection; (b) requested the City Manager to conduct necessary planning and due diligence needed to meet any legal requirements for future acceptance of the property and its collection; and (c) plan to docket the formal acceptance of the gift of the Stabler-Leadbeater Apothecary Museum

and its collection in the fall of 2005.

13. City Council passed the proposed ordinance on first reading, scheduled it for public hearing, second reading and final passage on June 21, 2005.

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25. City Council passed the proposed ordinance on first reading, scheduled it for public hearing, second reading and final passage on June 21, 2005.

26. City Council passed the proposed ordinance on first reading, scheduled it for public hearing, second reading and final passage on June 21, 2005.

27. City Council passed the proposed ordinance on first reading, scheduled it for public hearing, second reading and final passage on June 21, 2005.

The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"

Woodson "aye"

9. Consideration of a Non-Competitive Grant Application to the Virginia Department of Environmental Quality, Litter Prevention and Recycling Program, for Funding for the Adopt-A-Park Litter Control Program.

Mayor Euille said he would like the City Manager and staff to give thought to not so much adopt the City litter control program, but for staff to reflect on and come back to Council after reconvening in September with a more comprehensive litter control initiative City-wide. He asked for thought on how to improve and expand on the cleanliness in the City.

Councilman Smedberg said on cleanliness issues, he has heard comments from residents on upkeep of some of the parks is not up to snuff and he agreed. He asked that they take a very small percentage of the open space monies fund to go toward maintenance.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council authorized the City Manager to: (a) submit a non-competitive grant application to the Virginia Department of Environmental Quality, Litter Prevention and Recycling Program, for funding in the approximate amount of \$13,176 for the Adopt-a-Park Litter Control Program (the exact amount to be determined by the Virginia Department of Environmental Quality for July 15, 2005); and (b) execute all necessary documents that may be required. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

15. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the Provisions of the City Code Establishing the City's Residential Rental Inspection and Permit Program.

In response to questions from Council, Mr. Dahlberg explained the rental inspection program and the condo conversion fees.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously, City Council passed the proposed ordinance on first reading, scheduled it for public hearing, second reading and final passage on June 21, 2005. The voting was as follows:

Macdonald	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

17. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend the Provisions of the City Code to Reform the BPOL Tax.

Mr. Jinks went over the proposed revisions to the ordinance.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council passed the proposed revised ordinance on first reading, scheduled it for public hearing, second reading and final passage on June 21, 2005. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
Woodson	"aye"		

CONTESTED APPOINTMENTS

28. Alexandria Board of Architectural Review - Parker-Gray District
1 Citizen Member

(The following persons volunteered for appointment to the above Commission)

NAME: ENDORSED BY:

Mark Baran
Karen Conkey
Thomas Marlow

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 28; 6/14/05 and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council appointed Thomas Marlow as the one citizen member to the Alexandria Board of Architectural Review - Parker-Gray District. The voting was as follows:

Euille	-	Marlow
Pepper	-	Baran
Gaines	-	Baran
Krupicka	-	Baran
Macdonald	-	Marlow
Smedberg	-	Marlow
Woodson	-	Marlow

29. Alexandria Citizen Corps Council
1 Member In Good Standing of the CERT Program

(The following persons volunteered for appointment to the above Commission)

NAME: ENDORSED BY:

William Dickinson
Margaret French

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 29; 6/14/05 and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council appointed William Dickinson as the one member in good standing of the CERT Program to the Alexandria Citizen Corps Council. The voting was as follows:

Euille	-	Dickinson
Pepper	-	Dickinson
Gaines	-	Dickinson
Krupicka	-	Dickinson
Macdonald	-	French
Smedberg	-	Dickinson
Woodson	-	Dickinson

30. Alexandria Commission for Women
2 Citizen Members

(The following persons volunteered for appointment to the above Commission)

NAME: ENDORSED BY:

Dianne Cherry
Deborah Connor
Mary Giordano
Linda Parrish

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 30; 6/14/05 and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council reappointed Dianne Cherry and Deborah Connor as the two citizen members to the Alexandria Commission for Women. The

voting was as follows:

Euille	-	Cherry, Connor
Pepper	-	Cherry, Connor
Gaines	-	Cherry, Connor
Krupicka	-	Cherry, Connor
Macdonald	-	Cherry, Connor
Smedberg	-	Cherry, Connor
Woodson	-	Cherry, Connor

31. Alexandria Commission on Employment
2 Business Representatives From Among Recognized Area
Businesses Including Minority-Owned and Small Businesses

(The following persons volunteered for appointment to the above Commission)

NAME: ENDORSED BY:

Amy Bell
Iris Henley
Jacqueline Woodard

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 31; 6/14/05 and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: Only one person received a majority vote, so there was a second balloting for the second appointee. City Council reappointed Jacqueline Woodard as the business representative from among recognized area businesses including minority-owned and small businesses to the Alexandria Commission on Employment. The voting was as follows:

Euille	-	Woodard, Bell
Pepper	-	Woodard, Bell
Gaines	-	Woodard, Henley
Krupicka	-	Woodard, Bell
Macdonald	-	Bell, Henley
Smedberg	-	Woodard, Henley
Woodson	-	Woodard, Henley

WHEREUPON, ballots were again distributed, tellers were again appointed and the ballots again tallied with the following result: City Council appointed Iris Henley as the business representative from among recognized area businesses including minority-owned and small businesses to the Alexandria Commission on Employment.

The voting was as follows:

Euille	-	Bell
Pepper	-	Henley
Gaines	-	Henley
Krupicka	-	Henley
Macdonald	-	Henley
Smedberg	-	Henley
Woodson	-	Henley

32. Alexandria Board of Review of Real Estate Assessments
1 Citizen Member

(The following persons volunteered for appointment to the above Commission)

NAME: ENDORSED BY:

Derick Hammond
Joseph Grouby

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 32; 6/14/05 and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council appointed Joseph Grouby as the one citizen member to the Alexandria Board of Review of Real Estate Assessments. The voting was as follows:

Euille	-	Grouby
Pepper	-	Grouby
Gaines	-	Hammond
Krupicka	-	Grouby
Macdonald	-	Grouby
Smedberg	-	Grouby
Woodson	-	Grouby

33. Alexandria Traffic and Parking Board
1 Citizen Member

(The following persons volunteered for appointment to the above Commission)

NAME: ENDORSED BY:

Thomas Johnson, Jr.
Paul Stilp

Nathan Macek

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 33; 6/14/05 and is incorporated as part of this record by reference.)

WHEREUPON, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council appointed Thomas Johnson, Jr., as the one citizen member to the Alexandria Traffic and Parking Board. The voting was as follows:

Euille	-	Johnson
Pepper	-	Johnson
Gaines	-	Johnson
Krupicka	-	Johnson
Macdonald	-	Johnson
Smedberg	-	Johnson
Woodson	-	Johnson

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION

34. Consideration of Amendments to the License Agreements For Docking the Miss Mallory, Miss Christin and Cherry Blossom at the City Marina.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council approved and authorized the City Manager to execute the attached three license agreements with Potomac Riverboat Company, allowing it to berth the Cherry Blossom, Miss Christin and Miss Mallory in commercial docket space at the City marina. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
Woodson	"aye"		

35. Receipt of the Jones Point Park Concept Plan Alternatives and Setting Them for Public Hearing on Monday, June 27, 2005.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council: (a) received the Jones Point Park Work Group Report and staff recommendations; (b) thanked the members of the Jones Point Park Work Group for their time and effort on behalf of the City; (c) scheduled the report including the options for the Alternative Concept Plan for public hearing on Monday, June 27, and (d) following the June 27 public hearing, docket the item for Council's Tuesday, June 28 legislative meeting so that Council can approve an alternative concept plan that will be forwarded to the National Park Service for their consideration

this summer, with an amendment from a suggestion by the representatives of the Old Town Civic Association and Yates Garden Civic Association, whereby there would be one youth sized multi-purpose field south of the Woodrow Wilson Bridge, to include parking inside the perimeter of the park, and a design that was different than what was presented, and for staff to work with those two groups to also consider that presentation.

Vice Mayor Pepper said it would help her to visualize how the two soccer fields they are considering for north of the Woodrow Wilson Bridge would be layed out if staff could have a tape, balloons or a fence that goes around it, before the public hearing on June 27. Vice Mayor Pepper also asked to see a picture of her proposed amendment and how the youth field would sit on the lawn south of the Woodrow Wilson Bridge, and she hoped the drawing would include a different concept of where to park the cars.

In response to a question from Councilman Smedberg, Mr. Baier said they will provide the questions and answers before the public hearing.

The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

36. Receipt of Recommendations of the Open Space Steering Committee and Setting them for Public Hearing in September.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council: (a) received the Open Space Steering Committee's Recommendations 2005 report; and (b) plan for and conduct a public hearing in the fall of 2005 (Saturday, September 17) on the Open Space Steering Committee's recommendations, including its list of Open Space Priority Sites.

Councilman Smedberg suggested that they revisit the ordinance in the Fall to look at the possibility of using a small portion of the open space fund for maintenance and upkeep of the parks.

Mayor Euille suggested he meet with the Parks and Recreation Director and the City Manager in the next couple of weeks to work out a suggested proposal to come back to Council in the Fall.

The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"

Woodson "aye"

37. Receipt of the Report of the Developer Housing Contribution Policy Work Group.

Ms. Davis made a presentation of the report and she and Mr. Jinks answered questions of Council.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, City Council: (a) accepted the Report of the Developer Housing Contribution Policy Work Group; and (b) requested staff to prepare and process affordable housing amendments to the Zoning Ordinance that are needed with regard to bonus density. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"aye"	

38. Consideration of the Alexandria Community Services Board's (1) Amended 2006 Plan of Services, Which Includes the 2006 Performance Contract with the State, and (2) Status of the Board's FY 2004-2008 Housing Plan.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Board's amended FY 2006 Plan of Services, which includes approval of the Performance Contract with the State and a net increase of 1.0 FTE's. The voting was as follows:

Macdonald	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

39. Receipt of Human Rights Commission Report on Citizen Appointments to City Boards and Commissions.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council: (a) received the report; (b) thanked the members of the Human Rights Commission for their work on behalf of the City; and (c) adopted the recommendations of the Human Rights Commission as follows: (i) the voluntary form should be styled like the City's Affirmative Action Data Form, which is currently used for employment. While the applicant should be informed that submission of the form is voluntary, this should not be the initial message the candidate reads as it may discourage his/her participation; (ii) the voluntary submission form should be made available online, as is the employment form. With the increased use of the Internet as a recruitment source, this step is vital in order to ensure that applicants submit data; (iii) there should be a separate data box for Incumbents for the Recruitment Sources

portion of the form. Currently, incumbents mostly mark the "other" box when asked how they were informed of the position; (iv) Sexual orientation should remain on the form for at least one more cycle, but a "prefer not to answer" box should be added. If data submission rates continue to decline, the Commission and City Council should revisit the issue.

In response to comments from Council on the forms, Ms. Boyd said she would like to look at the form, take Council's comments into consideration and get something to Council before the first meeting in September.

The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

* * * * *

(Council took the following two items out of turn)

41. Consideration of a Resolution to Approve an Amended Lease For the Birmingham Green District Home and Authorization for the City Manager to Execute Documents. **[ROLL CALL VOTE]**

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council adopted the resolution approving the amended leases, and authorizing the City Manager to execute all documents necessary to complete the development of the new facilities. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2154

WHEREAS, the City of Alexandria, together with the Counties of Fairfax, Fauquier, Loudoun and Prince William (the "Localities") own, as tenants in common, 54 acres of land in Prince William County, Virginia (the "Property"); and

WHEREAS, two living facilities for the elderly have been developed on 12 acres of the Property and the remaining 42 acres are undeveloped; and

WHEREAS, the first facility is a 64-bed assisted living facility that was developed initially in the 1920s and expanded in the mid-1950s. This facility was originally built as a District Home and was operated by the District Home Board until recently, when the District Home Board established Birmingham Green Adult Care Residence ("BGACR"), a private, nonprofit corporation to operate the facility; and

WHEREAS, the second facility is a 180-bed nursing home that was built in 1990 and is operated by the Northern Virginia Health Center Commission ("NVHCC"). In 1990, the Localities entered into a lease agreement with NVHCC for the property on which the nursing home was developed; and

WHEREAS, the Localities and BGACR have determined that the BGACR assisted living facility can not be renovated to bring it up to current standards and therefore, it can not continue to accommodate the needs of the Localities and must be replaced; and

WHEREAS, the most feasible source of grant funds for the replacement and renovation of the BGACR assisted living facility was through the United States Department of Housing and Urban Development ("HUD"); and

WHEREAS, in 2002, BGACR applied for funding from HUD under two separate grant programs, Sections 202 and 811, which will provide capital and operating costs associated with replacing and expanding the assisted living facility; and

WHEREAS, under its Section 202 supportive housing for the elderly program, HUD provides funding for both construction and operating assistance, which does not require that the Localities match the funds. Housing developed under HUD's Section 202 program is restricted to very low-income elderly persons. HUD's Section 811 program provides similar funding for housing for very low-income disabled individuals; and

WHEREAS, on May 14, 2002, the City Council adopted Resolution No. 2027, by which City Council approved the leases for the construction of new facilities to replace the District Home and to support an application to HUD for funds to construct the new facilities; and

WHEREAS, in October 2004, HUD has awarded a grant in the amount of \$5,610,300 for the construction of the facility for the elderly under Section 202 and has awarded a grant in the amount of \$1,236,700 for the construction of the new facility for the disabled under the Section 811 program; and

WHEREAS, the Localities have agreed to amend the existing leases to;

- 1) substitute as lessees the two new entries that have been created to operate the new facilities under the supervision of the District Home Board, and make other

clarifying amendments to the leases approved in 2002, all of which are attached; and;

- 2) reduce the leased premises to the acreage required for construction, and;

WHEREAS, the City must hold a public hearing, under the provisions of §15.2-1800 of the Code of Virginia (1950) as amended, prior to amending the leases for property owned by the City;

WHEREAS, the City of Alexandria has held a public hearing and the City Council has determined that the construction, operation and maintenance of supportive housing projects for very low income persons on the Property constitutes a public use and that the proposed amendments to the lease should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA

1. That the City Council approve the terms of the amended leases of which are attached hereto as Exhibits A and B, respectively.

2. That the city manager is authorized to execute the amended leases on behalf of the City of Alexandria and to undertake any further action on behalf of the City of Alexandria, including the execution of additional documents, that may be necessary or desirable to implement the approvals provided in this resolution.

3. That this resolution shall be effective upon its adoption.

42. Consideration. First and Second Reading. Final Passage of an Ordinance to Adopt Supplement No. 36 to the City of Alexandria Zoning Ordinance. **[ROLL CALL VOTE]**

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted Supplement No. 36 to the City of Alexandria Zoning Ordinance. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4403

AN ORDINANCE ADOPTING SUPPLEMENTAL PAGES FOR THE ZONING ORDINANCE OF THE CITY OF ALEXANDRIA, VIRGINIA, 1992, AS AMENDED, AND

PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN,
EXCEPT THOSE SAVED FROM REPEAL BY THIS ORDINANCE, AND FOR OTHER
PURPOSES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 36," are hereby adopted as and shall constitute "The Thirty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between January 24, 2004 and October 12, 2004, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between January 24, 2004 and October 12, 2004, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after October 12, 2004.

Section 4. That one complete set of pages comprising "The Thirty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES

None

ORAL REPORTS BY MEMBERS OF CITY COUNCIL

(a) Vice Mayor Pepper said she represents the Council on the Council of Governments and the Northern Virginia Regional Commission, and they had some concern about the BRAC Commission report, which had recommended the closure of certain bases, but had recommended that certain leased space that is being occupied by the various military facilities that the leased office space be closed and that some of that business be sent to bases that they already own. She said the City, as well as other jurisdictions, sent a letter to the BRAC Commission, to ask for the opportunity to have a public hearing before the BRAC Commission in Northern Virginia, and it now appears there will be a hearing in D.C. on D.C. matters. They are expecting to have the Alexandria issues heard on July 7. The case the City will make is along the ideas of economics of closing down the leased space and building all new on-base space, and they want to point out that some of the Department of Defense building security standards are excessive and very few spaces in Northern Virginia are able to meet those kind of standards. Vice Mayor Pepper noted that Congressman Moran is holding his own BRAC/Town Hall meeting on June 20 at noon at George Mason University Law School in Arlington. She said the State is holding a meeting tomorrow of local staff to go over post BRAC Federal Programs, and the City will be represented at that meeting.

Mr. Jinks went over the hearing process and potential grant money.

Mayor Euille noted that he has appointed a BRAC workgroup, representatives of the business community, Planning Commission, City Council, members from the retail community and staff to work on the matter.

ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL

(a) Councilwoman Woodson said when it had a joint meeting with the Planning Commission, the Commission asked staff to get back to them with regard to infill, and she did attend a meeting that citizens held this weekend on Sunday on the mansionization issue. This is a good time, since the Planning Commission has already asked staff to respond to them about infill, that they also weigh-in and the City Attorney's office could weigh in on what mechanisms they have available that allow them to handle legally the issue of mansionization. She asked that it come back to Council as well.

(b) Councilwoman Woodson said the United States Senate has just made an apology for lynching, and there was a lynching in Old Town. She said it was an off-hand offense and she was not sure why an apology was necessary, if in fact they

already have laws on the books that prevent the killing of human beings. She said the real issue isn't that they should be apologizing, the issue is that the Senate did not have the gumption to stand up to some of the Southern Democrats and say they should have a law about this, but that rather, they stood up and said they should be prosecuting the people who are doing this. She said the Senate and Congress need to come to terms with reparations that were made with the Holocaust victims in Germany, with the Japanese internment in the United States, and it does concern her. She said that while an apology is nice, it is the wrong apology.

(c) Councilman Macdonald said several changes have been instituted along King Street, including outdoor dining, which is great. He said they have to deal with how to reduce the level of streetscape noise overall, from motorcycles and buses, as it makes it less attractive to sit outside. He said they should think about a comprehensive noise reduction effort.

(d) Councilman Macdonald said he was hoping they would get the real estate appraisal for Gunston Hall soon.

City Attorney Pessoa said it will be coming in the next month.

(e) Councilman Macdonald noted the passing of a long-time Alexandria resident Bob Reed, who lived on Wolfe Street, who died a few days ago.

(f) Councilman Krupicka said he would not be at the public hearing next week, and will be out of town at his sister's graduation from nursing school.

ORAL REPORT FROM THE CITY MANAGER

In response to a request from the City Manager, Battalion Chief John North reported on the 911 call made yesterday, which should have been routed to Fairfax County, but instead went to the City's dispatch system, and the mix-up from Fairfax County on dispatching the call. Battalion Chief North and City Manager Hartmann answered questions of Council regarding the mix-up and emergency operations.

ORDINANCES AND RESOLUTIONS

40. Second Reading and Final Passage of an Ordinance to Adopt a New Regulatory Framework For the Taxi Cab Industry. (#20, 4/26/05, #10, 5/14/05) **[ROLL CALL VOTE]**

Mr. Culpepper and Mr. Spero made detailed presentations of their report, noting the changes made to the ordinance and outstanding issues and using a powerpoint presentation.

Councilman Macdonald asked about the issue of the airport drivers and the stand dues issue, and the back-fill issue.

Councilman Gaines asked about annual transfer of taxicab authorizations and asked about an option five being 15 percent in any year and option six being 20 percent first year, 20 percent the second year and five percent any year thereafter and the impacts on that concept.

Councilman Krupicka asked about the timeline of how the back-fill gets implemented and staff's perspective on how it would be used, taking into consideration the context of concerns from drivers and the frequency or quantity of the drivers in the industry.

Vice Mayor Pepper asked about the statement of the Manager's discretion and asked if they were extra authorizations that the Manager doesn't have now, and the setting of the board or commission that would refer to the Council, if it were a standing body, and the implementation time for the ordinance.

Councilman Smedberg asked how dispatch is described in the ordinance.

Councilwoman Woodson asked from page 28, what happens when a company has a problem and allowing transfers; from page 38, appeal from temporary suspension; from page 39, being convicted of any law involving moral turpitude; from the presentation, the certificates with a floor of 40 and a ceiling of a percentage; what happens if a company is not regulated and offers sedan service; the measuring and monitoring the collection of data by staff; back-fill and the manager's discretionary authority, and a contract with the drivers, the City having more than one provider, and emergency power and who defines the emergency and what data is being used to determine that emergency; compliance with drivers and dispatch and the monitoring of it; transfers and driver mobility; and who is associated with the industry workgroup.

The questions were answered by Mr. Culpepper, Mr. Spero and Mr. Shaller.

A MOTION WAS MADE by Councilman Krupicka, seconded by Councilman Gaines, to move the ordinance with staff's modifications contained in the presentation this evening, with the inclusion of the City Attorney's suggestion to add to the dispatch definition language from the general public as discussed, to make the changes as Councilwoman Woodson discussed during commentary about convictions and violations, to make it clear that the industry workgroup is advisory to staff and the Traffic and Parking Board, and not to the City Council, and that Council ask staff to come back with a final recommendation vis a vis the full make-up of such a body and who is on it at a convenient and appropriate time for the industry.

AN AMENDMENT to the motion was made by Councilman Gaines, seconded by Councilman Macdonald, that the percentage be increased to 15 percent for annual transfers.

WHEREUPON, a substitute motion was made by Councilwoman Woodson,

seconded by Councilman Macdonald, and carried 5-2, that City Council receive the report and accompanying ordinance to revise the City's taxicab regulations for second reading and approved the accompanying ordinance, as was amended, as follows: To adopt the staff recommendations and modifications contained in the presentation this evening, with the inclusion of the City Attorney's suggestion that they add to the dispatch definition language from the general public as discussed; they make the changes discussed during the commentary about convictions and violations; that they make it clear that the industry workgroup is advisory to staff and traffic and parking board, and not to the City Council, and that they ask staff to come back with the final recommendations vis-a-vis the full make-up of such a body and who is on it at a time that is convenient and appropriate for the industry; the staff recommendation for mobility be changed, that they maintain it at 10 percent with the bonus of five percent in year one, that in years two and three, the compromise of 15 percent, the bonus remains the same, and then it falls back at the end of the third year to 10 percent and five; and to have back-fill as a separate motion and vote. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Macdonald	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"no"
	Smedberg	"no"	

WHEREUPON, a motion was made by Councilman Krupicka, seconded by Vice Mayor Pepper and carried 5-2, to include backfill provisions as included in the staff recommendation. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"no"
Euille	"aye"	Smedberg	"aye"
	Woodson	"no"	

WHEREUPON, a motion was made by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously by roll-call vote, to pass the ordinance on final passage with the amendments that have been approved. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4402

AN ORDINANCE to revise the city's regulations as set forth in Article A (TAXICABS AND FOR-HIRE VEHICLES), Chapter 12 (TAXICABS AND OTHER VEHICLES FOR

HIRE), Title 9, (LICENSING AND REGULATION) of the Code of the City of Alexandria, Virginia 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 12, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, revised by replacing Article A with the revised Article A.1, as set forth hereto and incorporated herein fully by reference.

ARTICLE A. 1: Taxicabs
DIVISION 1: Generally

Sec. 9-12-1 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

(1) Board. The traffic and parking board created by title 5, chapter 8, article A of this code.

(2) Certificate. A certificate of public convenience and necessity issued by the city manager authorizing the operation of a taxicab company under the provisions of this article.

(3) Certificate holder. Any taxicab company, or taxicab owner still holding a valid certificate issued prior to February 15, 1983, which has been granted a certificate of public convenience and necessity as provided in this article.

(4) Cruising. The driving of a taxicab on the streets, alleys, or public places of the commonwealth in search of, or soliciting for, prospective passengers for hire.

(5) Director. The director of the department of transportation and environmental services or the director's designee.

(5.1) Dispatch service. The provision of taxicab service in which requests for service from the general public are received at a central facility by telephone, in person, or other means, and communicated to drivers by two-way radio, or other data communication service with equivalent functionality, resulting in delivery of the requested taxicab service to the requesting party.

(6) Driver. The person operating any taxicab.

(7) Driver's permit. The permit issued to a driver of a taxicab under the provisions of this article.

(8) Hack inspector. The individual designated by the chief of police to fill this position pursuant to this article.

(9) Manifest. A daily record prepared by the driver of a taxicab of all trips made by the driver, showing the time and place of origin, destination, number of passengers and the amount of fare of each trip.

(10) Owner. The person who holds legal title to any taxicab, or any person who holds beneficial title to any such taxicab or any person having possession of any such taxicab under a conditional sales contract, lease, bailment or any instrument in the

nature of a lien.

(11) Person. Any natural person, firm, partnership, limited partnership, corporation, company, limited liability company, joint venture, cooperative, association or joint stock association, including any trustee, receiver, assignee or personal representative thereof.

(12) Regulation. The rules and regulations promulgated by the city manager pursuant to this article.

(13) Street. The entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in the commonwealth including streets, highways, alleys and publicly maintained parking lots.

(14) Taxicab. Any motor vehicle having a seating capacity of not more than six (6) passengers and not operating on a regular route or between fixed terminals, used in transportation of passengers for hire or compensation, and subject to regulation under this article.

(15) Taximeter. A meter, instrument or device attached to a taxicab which measures mechanically and/or electronically the distance driven and the waiting time upon which the fare is based.

(16) Taxicab Company. A person who regularly engages in the provision of taxicab services to and from points in the City and maintains a place of business within the City for the management and dispatch of such services.

(17) Taxicab services. The operation of a motor vehicle upon the streets, on call or on demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along the streets as directed by the passenger or passengers being transported.

(18) Vehicle Permit. A permit issued by city manager authorizing a taxicab to be associated with a taxicab company, and operated under its dispatch system and colors.

Sec. 9-12-2 Compliance with article

(a) It shall be unlawful for any person to operate, drive or provide taxicab services in any taxicab required by this article to obtain a permit from the city, unless such person, and such taxicab, shall conform to and comply with the provisions of this article.

(b) It shall be unlawful for any person to operate a taxicab company required by this article to obtain a certificate of public convenience and necessity from the city, unless such person shall conform to and comply with the provisions of this article.

(c) Any person who violates any provisions of this article shall be guilty of a class 2 misdemeanor, unless another penalty is expressly provided in this article.

Sec. 9-12-3 Hack inspector.

The chief of police shall appoint either a sworn officer or a civilian employee to serve at his pleasure as hack inspector, and one or more assistant hack inspectors. The hack inspector shall exercise the powers and duties provided for in this article and do all things necessary to

make effective the provisions of this article. The Chief of Police may designate the hack inspector to administer some or all of his powers and responsibilities under this Article.

Sec. 9-12-4 Authority of city manager.

(a) The city manager may designate a person or persons to administer some or all of the provisions of this article.

(b) The city manager is authorized to make such reasonable rules and regulations as may be necessary to administer the provisions of this article.

Sec. 9-12-5 False statements prohibited.

(a) It shall be unlawful for any person knowingly to make or cause to be made, either directly or indirectly, any false statement as an inducement for the issuance of a certificate of public convenience and necessity, vehicle permit or a driver's permit provided for in this article.

(b) It shall be unlawful for person knowingly to make or cause to be made, either directly or indirectly, any false statement in any document required to be submitted pursuant to this article.

Sec. 9-12-6 Insurance or bond required.

(a) Every taxicab owner for which a vehicle permit has been issued under this article shall file with the hack inspector a certificate of insurance or binder evidencing, and keep in full force and effect at all times either:

(1) A public liability and property damage insurance policy with a company authorized to do business within the state in at least the amount of \$450,000 combined single limit for death or bodily injury, and property damage, and every such policy shall contain a clause obligating the company issuing the same to give 15 days notice in writing to the hack inspector before any cancellation thereof.

(2) An indemnity bond of a surety company, authorized to do business within the state in the same amounts and for the same purposes as the insurance policy stated in subsection (1) of this section; provided, that the director of finance of the city, after investigation, shall be fully satisfied as to the financial responsibility of the surety company on such bond.

Secs. 9-12-7 through 9-12-20 reserved.

DIVISION 2 Certificates of Public Convenience and Necessity

Sec. 9-12-21 Certificate required.

It shall be unlawful for any person to operate or engage in business as a taxicab company unless a certificate of public convenience and necessity shall have been issued pursuant to this article. It shall be unlawful for any person to operate or engage

in business as a taxicab company under an expired, suspended or revoked certificate.

Sec. 9-12-22 Initial application for a certificate.

(a) An application for the initial issuance of a certificate of public convenience and necessity shall be made to the city manager, on or before May 1 of each year, on the form provided by the city manager.

(b) The applicant shall provide the following:

(1) The full name and business address of the applicant and, if the applicant is a corporation, a certified copy of the articles of incorporation;

(2) The full name and address of the registered agent or other person or persons upon whom legal process may be served and upon whom all notices or other matters relating to the administration and enforcement of this article should be made;

(3) The trade name and the telephone numbers under which the applicant does or proposes to do business;

(4) The financial status and responsibility of the applicant;

(5) The maximum number and ownership of taxicabs to be operated under the applicant's color scheme;

(6) A description of the type of service to be provided including the geographic area of the city to be served;

(7) A description of the communications system to be used with specific reference as to the applicant's plan to provide adequate dispatch service to the public;

(8) A description of the color scheme, insignia and cruising light design to be used, which shall conform to regulations issued by the city manager;

(9) Any conviction, plea of guilty or nolo contendere of the applicant, or if the applicant is a corporation, each of the officers of the corporation, arising out of any violation of a federal, state or municipal law;

(10) The specific experience of the applicant in the transportation of passengers for hire and the management of a business engaged therein, including, without limitation, the disclosure of any ownership interest in any taxicab company anywhere at any time;

(11) All facts or circumstances which the applicant asserts to meet the applicant's burden of demonstrating that the public convenience and necessity requires granting the certificate;

(12) Fingerprints of the applicant, or if the applicant is a corporation, each of the officers of the corporation; and

(13) Such additional information as the city manager may require.

(c) All applications must be signed (1) by the president if a corporation or (2) by the legal representative if a business entity other than a corporation, and must be notarized.

(d) Such forms shall include a statement that "It is unlawful for any person to make a false or misleading statement in connection with this application and the making of any false or misleading statement shall be grounds for denial of the application or subsequent revocation of a certificate, and for criminal prosecution."

Sec. 9-12-23 Fees

The fees and charges for an application for, and for the issuance and renewal of, a certificate shall be established by regulation, and no application shall be filed, and no certificate issued or renewed, unless and until such fees and charges shall have been paid.

Sec. 9-12-24 Investigation of applicant.

Upon the filing of any application for a certificate, the chief of police shall make or cause to be made a thorough investigation of the qualifications, and traffic and criminal records, of the applicant. The results of this investigation shall be submitted to the city manager on or before the public hearing held under section 9-12-25.

Sec. 9-12-25 Determination of public convenience and necessity; issuance of certificate.

(a) Burden: The applicant shall have the burden of demonstrating that the public convenience and necessity require the operation of a new taxicab company and the authorization of any additional taxicabs that may be requested.

(b) Notice and written comments: Upon receipt of a completed application for an initial certificate and authorization of any additional taxicabs, the city manager shall notify all existing certificate holders by mail, and the public by advertisement in a newspaper of general circulation published within the city, that the application has been filed, and that written comments on the application may be filed with the city manager within 30 days after publication of the notice. No application shall be considered complete unless all of the information in sections 9-12-22 and 9-12-32 has been provided.

(c) Public hearing: The Board shall hold a public hearing and make its recommendation to the city manager as to whether the public convenience and necessity requires granting the application for a new certificate and authorization of any additional taxicabs that may be requested. In making its recommendation, the Board shall apply the criteria set forth in subsection (d) of this section.. This hearing shall be held at the next regular meeting of the Board after the written comment period has closed, and may be continued from time to time thereafter by the Board.

(d) Criteria for consideration. The city manager shall determine whether public convenience and necessity require the operation of a new company and authorization of any additional taxicabs that may be requested in the application. In making this determination, the city manager shall consider:

- (1) The representations of the applicant as set forth in its application,
- (2) The results of the investigation made under section 9-12-24
- (3) Any information presented at the public hearing held pursuant to paragraph (c) of this section, and the recommendation of the Traffic and Parking Board.
- (4) Information as contained in the city manager's most recent report on the economic conditions of the taxi industry required by section 9-12-31.
- (5) Any shortcomings or deficiencies in existing taxicab service and other

forms of transportation for passengers already in existence.

(6) The probable permanence and quality of the service offered by the applicant.

(7) The financial status, qualifications and responsibility of the applicant as demonstrated by the applicant's ability to provide, maintain and operate the number of vehicles proposed to be operated in accordance with the character of service proposed in the application, the applicant's criminal and traffic record and the applicant's credit record, if any.

(8) The experience of the applicant in taxicab operations as an owner or manager or as a taxicab driver; and

(9) The effect on promoting competition and improving the quality of taxi service provided in Alexandria. There shall be a prohibition, based on potential anti-competitive impact, against any entity owning, in whole or in part, an interest in more than one taxicab company authorized to do business in the city. Any entity in violation of this provision as of [the effective date] shall have 18 months from the effective date to come into compliance therewith.

(f) Decision: The city manager may grant the certificate of public convenience and necessity applied for and approve any additional taxicabs requested by the applicant or approve a lesser number of taxicabs than requested, or the city manager may deny the certificate. If the city manager denies the certificate or grants the certificate with a lesser number of taxicabs than requested by the applicant, the city manager shall notify the applicant by certified mail.

(g) Re-application: An applicant may not reapply for a certificate, or for the authorization of additional taxicabs, for one year from the date of decision by the city manager.

Sec. 9-12-26 Certificate generally; form; term.

(a) The certificate of public convenience and necessity shall state the following:

(1) The name, home and business address of the certificate holder and registered agent or other person to whom legal process may be served or notice given.

(2) The date of issuance; and

(3) That the certificate has been issued subject to the provisions of this division and all other laws and ordinances governing the operation of a taxicab company.

(b) Every certificate shall expire on December 31 next after issuance. Before expiration, each certificate holder shall file a renewal application with the hack inspector pursuant to section 9-12-27. In cases of death, sickness or unusual circumstances, the city manager may authorize the continued operation of an existing certificate until the following March 31.

Sec. 9-12-27 Renewal of certificate.

Each certificate holder shall file an application for renewal of the certificate with the hack inspector by August 1 of each year on the form provided by the city manager.

Each application for a renewal of a certificate shall demonstrate compliance with section 9-12-32, and shall include a requested number of taxicab authorizations based on current service levels.

Sec. 9-12-28 Color scheme of vehicles; insignia or trade name.

(a) Each applicant for a certificate shall adopt a unique, identifying color scheme, insignia and trade name, different from the appearance of ordinary vehicles, which shall be submitted for approval with the application for the certificate. Upon the granting of the certificate and approval of the color scheme, insignia and trade name, the certificate holder shall cause all vehicles operated under the certificate to conform to such color scheme and bear such insignia and trade name. No other certificate holder, owner or driver shall use such color scheme, insignia or trade name.

(b) No color scheme, insignia or trade name shall be approved if it conflicts with or imitates the color scheme, insignia or trade name used by another certificate holder in such manner as to mislead, confuse or tend to deceive the public.

(c) It shall be unlawful and grounds for revocation of a certificate for any certificate holder to change or allow to be changed the approved color scheme insignia or trade name, except as hereinafter provided.

(d) Any owner or driver connected with a certificate holder who is allowed to use the color scheme, insignia, or trade name of such certificate holder, shall immediately upon separation or discharge from the holder's company discontinue use of any taxicab until the color scheme, insignia and trade name on such taxicab has been changed or removed.

Sec. 9-12-29 Sale or transfer of certificates of public convenience and necessity; transfer of company control

(a) A certificate of public convenience and necessity issued pursuant to this article shall remain the property of the City, and no such certificate may be sold or transferred by the certificate holder to any other person.

(b) Merger or transfer of control of a taxicab company, either de facto or de jure, is prohibited unless approved by the city manager after a determination that such merger or transfer of control is in the public interest. Any person who proposes to merge or acquire control of a taxicab company shall submit to the city manager an application in writing, setting forth such relevant information as to the proposed merger or transfer as prescribed by regulation, and indicating whether the merger or transfer of control will be de facto or de jure.

(1) The applicant shall have the burden of demonstrating that such merger or transfer of control will serve the public interest, and shall promptly respond to any requests for additional information required by the city manager.

(2) The city manager shall cause an investigation of the financial status, qualifications and responsibility of the applicant and the experience of the applicant in the taxicab business to be conducted. The results of such investigation shall be used by the city manager in determining whether the merger or transfer is in the public interest.

(3) The city manager shall not approve a merger which results in any person

controlling more than 40 % of the taxicabs authorized under this article. This limitation may be modified by the city manager upon a finding that the public convenience and necessity will be served by such a modification.

(4) The city manager may approve or deny the request for merger or transfer of control. Before granting any such request, the city manager shall make an affirmative finding that the proposed merger or transfer of control is in the public interest. Absent such finding, the city manager shall deny the application, and notify the applicant.

(5) In the event of a merger or transfer of control, the city manager may, in the manager's discretion, waive or modify the driver transfer limits set forth in section 9-12-30.

Sec. 9-12-30 Amending Certificates of Public Convenience and Necessity

(a) The number of taxicabs authorized by a certificate may be amended once a year during the annual review of the industry and the following procedures shall apply:

(1) A certificate holder may apply for an amendment to the number of vehicles authorized by the certificate, no later than August 1 of each year, on the form provided by the city manager.

(2) An owner whose vehicle is affiliated with one certificate holder may apply not more frequently than once a year, on the form provided by the city manager, to have that affiliation transferred to a different certificate holder. Any such application shall be submitted to the city manager no later than November 15 of each year. All applications from eligible owners will be approved in order of seniority, subject to the net authorization loss limitations set forth in section 9-12-31(c) herein. Notwithstanding the foregoing, no owner shall be denied his or her application for a transfer pursuant to this section more than two consecutive years, regardless of whether or not granting such an application results in the limit set forth in section 9-12-31(c) being exceeded by application of this policy. In the event the application of this policy results in the net reduction of more than the limit set forth in section 9-12-31(c) of any taxicab company's authorized vehicles, the city manager shall have the authority to grant the impacted taxicab company such additional authorized vehicles as to allow the company to only suffer a net reduction in authorized vehicles equal to the limit set forth in section 9-12-31(c), upon a finding that such a grant will be in the public convenience and necessity including, without limitation, promoting high quality dispatch and customer service. Each such application shall be signed by the prospective certificate holder, certifying acceptance of the owner if the transfer of affiliation is approved.

(3) A public hearing on all such applications shall be held by the Board as part of the annual review of the taxi industry pursuant to section 9-12-31, and the Board shall make a recommendation thereon to the city manager.

(4) The Board in making its recommendation, and the city manager in making the determination on such applications and proposed amendments, shall consider the factors prescribed in section 9-12-31.

(c) The decision on such applications shall be part of the city manager's order setting forth the conditions of the taxicab industry pursuant to section 9-12-31.

(d) Upon amendment as to the number of vehicles the certificate holder shall

forthwith surrender the old certificate to the city manager, and the city manager shall issue a new certificate to the certificate holder.

Sec. 9-12-31 Annual review of taxi industry.

(a) Between September 1 and November 15 of each year, the Board and city manager shall conduct a review of the taxicab industry in Alexandria. The Board shall conduct a public hearing, after giving reasonable notice to all applicants, existing certificate holders and the public. The Board shall receive comment as to the economic condition of the taxicab industry, the adequacy of public service rendered by the industry, and whether any changes to the regulation of the industry are necessary or desirable, including changes to the number of taxicabs authorized for each taxicab company holding a valid certificate.

(b) Performance information required to be submitted by certificate holders pursuant to section 9-12-32 shall be considered by the Board and the city manager as part of the review.

(c) In reviewing applications to renew certificates of public convenience and necessity, the Board and city manager shall consider the certificate holder's record of compliance with section 9-12-32, and shall establish the maximum and minimum number of vehicles that may be affiliated with each certificate holder, as follows:

(1) The minimum number of authorized taxicabs for each certificate holder shall not be fewer than: 1) during the first year after the effective date of this ordinance, 10 % less than the number then authorized; 2) during the second and third years after the effective date of this ordinance, 15 % less than the number then authorized, except by operation of section 9-12-30(a)(2).; and 3) during the fourth year after the effective date of this ordinance and thereafter, 10 % less than the number then authorized, except by operation of section 9-12-30(a)(2). (2) The maximum number shall provide a sufficient number of taxicab authorizations for each certificate holder to provide a satisfactory level of dispatch service based on current and anticipated number of dispatch trips provided.

(3) In the event that the Board and city manager shall authorize the issuance of one or more new certificates, the minimum number of taxicabs authorized for each existing certificate holder may be further reduced by an additional 5 percent below the current authorization.

(d) The Board and city manager shall set the total number of vehicles to be authorized for each taxicab company holding a valid certificate, giving consideration to such factors as bear on public convenience and necessity, including but not limited to:

(1) The demonstrated need on a company-by-company basis on the number of cabs necessary to provide satisfactory public service, including ensuring adequate availability of taxicabs for dispatch service and taxi stands;

(2) Changes in the number of trips actually served by taxicabs for each existing company;

(3) The ability of current drivers to earn a living wage; and

(4) Such factors listed in section 9-12-25(d) as the Board or city manager deem applicable.

(e) [Reserved – see subsection(i).]

(f) Giving consideration to the comments received at the public hearing, and to any additional information made part of the record before it, the Board shall forward its conclusions as to the status of the industry, and its recommendations as all matters included in the annual review of the industry, to the city manager. The report shall include the findings of fact upon which Board's conclusions and recommendations are based. The report shall be transmitted to the city manager no later than November 15.

(g) Every second year, starting in 2005, the annual review of the taxicab industry shall also include a review of the fares and industry fees, including a review of the base fare, permitted additional charges and all fees charged to and by the certificate holders, owners and drivers. The public hearing before the Board shall include comments on such fares, charges and fees and any recommended changes thereof. The Board shall forward its conclusions, recommendations and findings of fact as to such fares, charges and fees as part of its report pursuant to section (f) of this section. In reviewing such fares, charges and fees, the Board and city manager shall, without limitation, take the following factors into consideration:

- (1) Driver income compared to the City of Alexandria adopted living wage;
- (2) Cost of industry related regulatory and enforcement expenditures; and
- (3) Such factors listed in section 9-12-25(d) as the Board or city manager deem applicable.

(h) Not later than December 15, the city manager shall issue an order stating the manager's findings and conclusions as to the economic condition of the taxicab industry and determinations as to any pending applications or proposals under section 9-12-30. In issuing his order, the city manager shall presume that the factual findings of the Board are prima facie correct. If the manager disagrees with any of the recommendations of the Board the manager shall, with the issuance of the order, enumerate the reasons for not accepting such recommendations. The order of the city manager may be used by him in determining the public convenience and necessity under the provisions of this article.

(i) The city manager may approve taxicab owner applications to transfer affiliation from one certificate holder to another certificate holder. In reviewing transfer applications, preference shall be given based on driver seniority to the extent feasible, and the Board and city manager shall give consideration to such factors as bear on public convenience and necessity including but not limited to:

- (1) The individual and cumulative effect of the transfer on the transferee and transferor certificate holders;
- (2) The individual and cumulative effect of the transfer on the applicant and other drivers.
- (3) The satisfaction of all financial obligations to the existing certificate holder and acceptance by the new certificate holder.

(j) After completion of the transfer review process and the review of all applications for new or renewed certificates of public convenience and necessity, the city manager may approve additional authorizations for existing companies that have requested same, based upon a finding that such a grant will be in the public convenience and necessity including, without limitation, promoting prompt dispatch and exceptional customer service.

Sec. 9-12-32 Requirements for certificate holders

Each certificate holder shall:

- (a) Provide 24 hour service;
- (b) Provide a radio dispatch service located within the boundaries of the city that meets the following:
 - (1) Dispatch must be provided 24 hours a day, 7 days a week;
 - (2) If less than 100 taxicabs are authorized under the certificate, dispatch may be provided 18 hours a day, 7 days a week until 1 year following July 1, 2005, after which dispatch must be provided as set out in paragraph (1);
 - (3) If the certificate has been issued for less than 1 year, dispatch may be provided 18 hours a day, 7 days a week until 1 year following the date of issuance, after which dispatch must be provided as set out in paragraph (1);
- (c) Provide the minimum level of service for dispatch and call response time as prescribed by regulation; however, in no circumstance may regulation set an average dispatch call volume equaling less than two dispatch call per driver per day.
- (d) Maintain a business office and required records within the boundaries of the city;
- (e) Have affiliated a minimum of 40 taxicabs under its color scheme, and a maximum of 50 % of the total number of taxicabs authorized under this article. This limitation may be modified by the city manager upon a finding that the public convenience and necessity will be served by such a modification.
- (f) Provide a minimum of 1 vehicle, or 1 % of the vehicles authorized under the certificate, whichever is greater, for ADA compliant handicap accessible transportation, and every vehicle permit issued for a handicap accessible vehicle shall state on the permit that it is to be used for a handicap accessible vehicle only;
- (g) Maintain a record of all taxicabs affiliated with the certificate holder, of the owners thereof and of all drivers thereof, including the current address and telephone number for each such owner and driver. This record shall be available at all times for examination and inspection by the director, hack inspector or any police officer and shall be preserved for 12 months;
- (h) Provide an alternative dispute resolution process for disputes arising between owners and/or drivers of taxicabs and the certificate holder pursuant to Division 7 of this article;
- (i) Provide and adhere to written policies setting forth service requirements for drivers affiliated with the certificate holder and specifying disciplinary actions that the holder will take in the event the requirements are not met. All such requirements and disciplinary actions and any revision that may from time to time be added by the certificate holder shall be provided to every affiliated driver and posted in a conspicuous location in the taxicab company offices;
- (j) Not unreasonably withhold its agreement to allow an affiliated driver to transfer the authorization under which the driver is driving to another qualified driver.
- (k) Provide a 30 day notice to drivers of any changes in stand dues and post such changes in a conspicuous location in the taxicab company offices with a clearly stated reason for the change, and file such changes and reasons with the City, for informational purposes;
- (l) Post the most current schedule of stand dues in a conspicuous location in

the taxicab company offices;

(m) File with the city, in a manner prescribed by regulation, for informational purposes, the requirements and disciplinary actions required by subsection (i) and the stand due schedule and any changes required by subsection (k).

(n) Maintain monthly performance information and provide the following information to the city manager on a periodic basis, no less than annually, in the manner prescribed by regulation:

- (1) Dispatch call volume totals;
- (2) Number of complaints by type;
- (3) A schedule of current stand dues;
- (4) Dispatch call volumes and detailed call and pick up data files; and
- (5) Such other information as may be prescribed by regulation.

(o) Provide on an annual basis in the manner prescribed by regulation financial statements prepared in accordance with generally accepted accounting practices, including, but not limited to, all financial information permitted by Virginia Code Section 46.2-2062(B) and any other applicable state law.

(p) All information submitted to the city manager under this section shall include a statement that "It is unlawful for any certificate holder to make a false or misleading statement and the making of any false or misleading statement shall be grounds revocation of a certificate and criminal prosecution," and shall be signed by the certificate holder or authorized representative.

(q) All financial data information submitted pursuant to this section shall be deemed confidential financial information pertaining to the certificate holder's business license pursuant to Title 9 of the city Code and exempt from disclosure to the public pursuant to Virginia Code Sections 58.1-3 and 46.2-2602(B) and shall otherwise be kept confidential to the extent permissible under the Code of Virginia and the city Code.

(r) In the event that the City of Alexandria adopts a paratransit and/or senior citizen transportation program involving all certificate holders, each certificate holder must participate in such a program.

(s) All certificate holders who operate as taxicab companies must have written contracts setting forth the terms and conditions of their agreements with the drivers who operate under the vehicle authorizations granted to each certificate holder.

Sec. 9-12-33 Civil Penalties; revocation or suspension of certificates

(a) Any certificate holder who violates any provisions of section 9-12-32 shall be guilty of a class two civil violation.

(b) Certificates of public convenience and necessity may be placed on probationary status for a period of 30 to 120 days, or revoked by the city manager for any of the following causes:

- (1) Failure to manage and operate the company and fleet in such a manner as to serve the public adequately;
- (2) Failure to manage and operate the company and fleet in such manner as to cause the authorized taxicabs to be maintained in good order and repair;
- (3) Failure to manage and operate the company and fleet in such manner as to cause the insurance required by this article to be maintained for the authorized

taxicabs;

(4) Repeated and persistent violations by the certificate holder or by the drivers of authorized taxicabs of the Alexandria City Code or of the motor vehicle laws of Virginia.

(5) Failure to report any accident as required by this article;

(6) Failure to manage and operate the company and fleet in such manner as to cause any fees lawfully assessed upon the ownership or operation of any vehicle licensed under this article to be paid;

(7) Failure to comply with the requirements of section 9-12-32; and

(8) Failure to comply with any other provision of this article.

(c) Prior to placing on probationary status or revoking any certificate, the city manager shall hold a hearing on the proposed revocation or probation. The certificate holder shall have the right to present his case in person or be represented by counsel licensed to practice law in the Commonwealth of Virginia. The certificate holder shall be given at least 10 days' notice by personal service, or by regular and certified mail, to the address shown on the certificate, of the grounds for revocation or probation and the time and place of the hearing thereon.

(d) The city manager shall notify the certificate holder by regular and certified mail directed to the address shown on the certificate, of his decision to revoke or place on probationary status the certificate. Such decision notice shall include the grounds for revocation or probation and the length of time of probation.

(e) A certificate holder whose certificate has been revoked may not reapply for a certificate for 365 days from the date of revocation.

(f) The city manager may place on probationary status a certificate for such a period of time in excess of 120 days as he may, in his reasonable discretion, see fit.

(g) If a certificate is placed on probationary status, the city manager shall impose such terms and conditions as the manager deems reasonably necessary to bring the certificate holder into compliance. In the event the certificate holder fails to comply within the time stated by the city manager, the certificate shall be revoked by operation of law.

(h) Disposition of vehicle authorizations from a revoked certificate. The vehicle authorizations held by a certificate holder whose certificate is revoked under this section shall be returned to the city on the effective date of the revocation. Not less than 45 days prior to the effective date of revocation of the certificate, the city manager shall cause a public hearing to be held by the Board regarding the public interest in the disposition of the authorizations. The Board shall make a recommendation to the city manager as to the disposition of the authorizations. Not less than 21 days prior to the date of revocation, the city manager shall make a determination as to the disposition of the authorizations. There shall be a presumption, but not a guarantee, that the vehicle authorizations from a certificate holder that has its certificate revoked shall be allowed to transfer to other authorized certificate holders, unless the manager finds that such transfer will not be in the best interest of the public convenience and necessity.

(i) The city manager's decision to place on probationary status or revoke a certificate may be reviewed on the record by the Circuit Court of the City of Alexandria, to determine whether the city manager applied the correct law, and whether the decision was arbitrary and capricious; provided a petition for review is filed with the

Court within 30 days of the decision. The filing of such petition shall not stay the effect of such revocation or suspension, unless otherwise ordered by the Court. The Court may affirm or reverse the decision of the city manager, or vacate the decision and remand the matter with instructions.

Sec. 9-12-34 Authorizations not in use

(a) If a certificate holder fails to operate any authorized vehicles for more than 90 consecutive days, the authorization to operate such inactive vehicles shall terminate automatically and revert to the City, and the city manager shall issue a new certificate for the lesser number of authorized vehicles that remain in use.

(b) The provisions of subsection (a) shall not be applicable to that portion of an increase in authorized vehicles granted under the provisions of section 9-12-30 for a period of 365 days after an increase in certificates is authorized.

Sec. 9-12-35 Grandfathered certificates

A certificate which was issued to an individual owner or driver prior to February 15, 1983, and remains in force and effect, including by renewal, on and after July 1, 2005, shall be subject to the following provisions:

(a) The holder of such an individual certificate may change affiliation at any time and for any reason, subject to compliance with the provisions of this section.

(b) The provisions of section 9-12-32 shall not be applicable to renewals of grandfathered certificates held by an individual owner or driver.

(c) Grandfathered certificates are non-transferable and upon the holder's departure from the industry, shall not be reissued.

Secs. 9-12-36 through 9-12-40 reserved.

DIVISION 3 Driver's Permit

Sec. 9-12-41 Driver's permit required, display

No person shall operate a taxicab under the authority of a certificate of public convenience and necessity issued by the city, and no person who owns or controls a such a taxicab, shall permit it to be so driven, and no such taxicab shall be operated at any time for hire, unless the driver of such taxicab shall have first obtained and shall have then in force a driver's permit issued under the provisions of this division. Such permit shall be the property of the City, and shall be carried and displayed in a conspicuous place in the taxicab while being operated by the driver.

Sec. 9-12-42 Application.

(a) An application for a driver's permit under this division shall be made in writing under oath on forms provided for by the city manager, shall be filed with the hack inspector and shall provide the following:

(1) Pertinent personal data;

- (2) Physical condition of the applicant.;
- (3) Traffic record for 5 years previous to the date of the application including what driver's licenses have previously been issued to the applicant, and whether such license has ever been revoked or suspended;
- (4) Criminal record including state and local records;
- (5) Prior driving experience; and
- (6) Whether or not the applicant has ever been convicted, forfeited or entered a plea of nolo contendere on any traffic or criminal charge of any kind; and if so, the details thereof.

(b) Each applicant shall apply for the permit in person and have his or her fingerprints taken, which fingerprints shall constitute a part of the application.

(c) Each applicant shall file with the application 3 copies of a recent photograph, of a size designated by regulation, one of which shall be attached to and become a part of the application, another to be permanently attached to the permit, if issued.

(d) The application shall state thereon that "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for prosecution and for denial or revocation of this driver's permit."

Sec. 9-12-43 Charges for permit.

The fees and charges for an application for, and for the issuance and renewal of, a driver's permit shall be established by regulation, and no application shall be filed, and no certificate issued or renewed, unless and until such fees and charges shall have been paid.

Sec. 9-12-44 Medical examination

If the application indicates that the applicant's ability to safely operate a taxicab is reasonably in question, no driver's permit shall be issued or renewed until the applicant shall furnish a certificate from a reputable physician, certifying that, in such physician's opinion, the applicant's ability to safely operate a taxicab is not impaired.

Sec. 9-12-45 Investigation of applicant.

Upon the filing of any application for a driver's permit under this division, the chief of police shall make a thorough investigation of the qualifications and traffic and criminal record of the applicant. Such investigation may include a local records check and a state records check. The result of this investigation shall be submitted to the hack inspector and to the Board upon appeal.

Sec. 9-12-46 Examination of applicant as to driving ability, etc.

Each applicant for a driver's permit pursuant to this division shall be required to pass an examination given under the direction of the hack inspector as to the applicant's ability to operate a taxicab, knowledge of the traffic laws of the city and

state, knowledge of the city's roads and the laws of this article applicable to drivers. The content, nature and form of such examination shall be determined by the hack inspector. After submission of the information set forth in section 9-12-42, payment of the fees set forth in section 9-12-43 and completion of any investigation required under sections 9-12-44 and -45, the hack inspector shall administer the referenced examination to the applicant, pursuant to such schedule as the hack inspector may determine. In the event the applicant passes the examination, the hack inspector shall issue a driver's permit to the applicant. Within 90 days after the applicant's passage of the referenced examination, the successful applicant shall complete the training requirements set forth in section 9-12-47 and submit written documentation thereof to the hack inspector. In the event the successful applicant fails to timely complete the training and provide documentation thereof in the manner set forth herein, the hack inspector shall revoke the successful applicant's driver's permit. The hack inspector may reinstate any such revoked driver's permit upon satisfaction of the training and documentation requirements.

Sec. 9-12-47 Driver Training

After obtaining the driver's permit set forth in section 9-12-50(c), each successful applicant or holder of a driver's permit pursuant to this division shall attend a driver training course that has been approved by the city prior to receiving an annual driver's permit or any renewal thereof.

Sec. 9-12-48 Company endorsement of driver

No person may apply for a driver's permit without the endorsement of a certificate holder. Such endorsement shall be on a form provided by the city, submitted with the application for a driver's permit, and shall indicate the certificate holder's company's consent to authorize the driver, if a driver's permit is issued by the city, to operate a taxicab under the certificate.

Sec. 9-12-49 Requirements for driver's permit

A driver's permit shall not be issued to any person who:

- (a) Is under 18 years of age;
- (b) Has ever been convicted, pleaded guilty or pleaded nolo contendere to a felony involving moral turpitude, or has been convicted, pleaded guilty or pleaded nolo contendere to a misdemeanor involving moral turpitude within the last 5 years; provided, however, that the Board may waive the provisions of this subsection if the Board determines that such waiver would not be contrary to the public interest;
- (c) Has had a taxicab driver's permit or similar permit permanently revoked in any other jurisdiction;
- (d) Has ever been convicted, pleaded guilty, or pleaded nolo contendere to a charge of hit and run, leaving the scene of an accident or any similar charge where injury to a person was involved;
- (e) Has repeatedly been convicted, pleaded guilty, pleaded nolo contendere,

or forfeited collateral for violations of the traffic or safety laws of any city, state or the federal government;

(f) Has not provided a written endorsement of a certificate holder;

(g) Has not held a valid motor vehicle operator's license for a period of at least 6 months;

(h) Has not passed the applicable examinations required by section 9-12-46 and completed the driver training course required by section 9-12-47, or

(i) Does not have a valid work authorization the Immigration and Naturalization Service, if required.

Sec. 9-12-50 Issuance or denial of driver's permit by chief of police

(a) If the chief of police finds that an applicant has satisfied the requirements of this division the chief of police shall issue a driver's permit to the applicant.

(b) If the chief of police finds that an applicant has not met the requirements of this division, or that issuance of a driver's permit to the applicant would jeopardize the health, safety or welfare of the public, the chief of police shall deny the application, and give written notice thereof, including the reasons for the denial, to the applicant.

(c) The city manager may by regulation provide for a program for the issuance of temporary driver's permits. The chief of police may withhold issuance of the temporary permit if he reasonably believes that there are unresolved issues or additional information that may be required from an applicant. If upon review of the application, including a local criminal check, the chief of police finds no reason to deny the application, a temporary permit may be issued to the applicant as provided by regulation. Any such temporary permit shall be valid for no more than 90 days from the date of issuance.

Sec. 9-12-51 Appeal of a denial of a driver's permit

(a) When an application for a driver's permit under this division is denied, the applicant may appeal to the Board, which shall hold a hearing on any such appeal and make a recommendation regarding same to the city manager pursuant to the procedures set forth herein.

(b) Such applicant shall, within 10 days after being notified of the denial, file in writing with the hack inspector, a notice of appeal. The hack inspector shall schedule a public hearing before the Board within a reasonable time. Notice of the hearing shall be given to the applicant at least 10 days before the hearing date.

(c) The hack inspector shall immediately notify the applicant in writing of the Board's recommendation.

(d) The Board shall make its recommendation to the city manager, who shall have authority to affirm or reverse the decision appealed from. If the city manager finds for the applicant, the chief of police shall issue the driver's permit. If the city manager finds against the applicant, the decision of the chief of police shall stand. The action of the city manager on appeal shall be final.

(e) There shall be no rehearing and any such applicant shall not be considered for a period of at least one year after denial.

Sec. 9-12-52 Information to be shown on permits.

Each driver's permit issued pursuant to this division shall at minimum contain the following information:

- (a) The permit number;
- (b) The name of the driver;
- (c) A photograph of the driver;
- (d) The date of expiration; and
- (e) A statement that the permit is issued subject to the provisions of this article and may be suspended or revoked pursuant to the provisions of this article.

Sec. 9-12-53 Expiration of permit

Each driver's permit issued under this division, except for a 60 day temporary permit, shall expire two years from the date of issuance, unless sooner suspended or revoked.

Sec. 9-12-54 Renewal of permit.

A driver's permit may be renewed for successive periods of two years, provided that the procedure set forth for original applications is followed, including proof of compliance with the driver training requirement pursuant to section 9-12-47 and payment of all applicable fees.

Sec. 9-12-55 Permits nontransferable.

No driver's permit issued under this division shall be transferable.

Sec. 9-12-56 Records and Reporting Requirements

(a) Accident reports. The driver of every taxicab shall report within 24 hours, to the hack inspector, every accident, however slight, in which a taxicab or any other vehicle operated by such driver is involved.

(b) Manifest. Every taxicab driver shall keep, on a form prescribed by the city manager, a manifest, which shall, at minimum, record the place, date and time the transportation of each paying passenger commenced and terminated, and the amount of the fare, all of which shall be recorded immediately upon the termination of each trip. All manifests shall be subject at all times to examination or inspection by any duly authorized city official, the hack inspector or any police officer. Every manifest shall be kept and preserved for 12 months, and shall be submitted to the city manager or the manager's designee as required by regulation.

(c) Disposition of property left in vehicles. Every driver of a taxicab shall carefully preserve any money or other property left in the taxicab and shall immediately notify the taxicab company of the discovery of the property and turn over such money or other property to the taxicab company within 24 hours of discovery. All taxicab

companies shall maintain a lost and found for such property and shall report all property so received to the hack inspector, as prescribed by regulation. Such money or other property shall be surrendered promptly to the owner, upon identification and proof of ownership.

(d) Drivers to report changes of affiliation. Every driver of a taxicab shall notify the hack inspector within 5 business days when he changes his affiliation to another taxicab company.

Sec. 9-12-57 Service requirements

The following are minimum service requirements that must be met by all drivers holding a driver's permit issued under this division:

(a) Additional passengers. No driver already engaged with a passenger shall take an additional passenger, except with the consent of all passengers.

(b) Unlawful use of vehicles. No driver shall use or permit the use of any taxicab for soliciting business for any person or house of ill repute, for selling intoxicating liquors, for lewd or indecent purposes or for transporting persons to houses of ill repute or places used for lewd indecent purposes.

(c) Entering and leaving vehicles. No driver shall allow a passenger to enter or leave any taxicab except along the curb of a street.

(d) Stopping in intersections to load or unload prohibited; interfering with traffic. No driver of any taxicab shall stop, load or unload any passengers in the intersection of any streets or on any crosswalk. No such driver shall in any way impede or interfere with the orderly flow of traffic on the streets.

(e) Priority of calls for service. Every driver of a taxicab shall serve requests for service in the order of receipt of such calls.

(f) Nonpaying passengers. No nonpaying passenger shall be transported in a taxicab with a paying passenger, except bona fide officers or employees of the owner or certificate holder, or a police officer engaged in the performance of his duty.

(g) Drivers to take shortest route to destination. The driver of each taxicab shall drive the same over the shortest practical route from the point of engagement to the destination of the passenger or passengers.

(h) Number of passengers. No driver of a taxicab shall carry at any one time more adult passengers than the number for which the vehicle was designed.

(i) Passengers to occupy rear seat first. Passengers shall fill the rear seat before using the front seat, and no driver shall carry a passenger in the front seat unless the back seat is filled, except when otherwise requested by a passenger.

(j) Loitering at taxi stands. No driver shall loiter or congregate with others in sidewalks adjacent to a taxi stand in such a manner as to violate section 9-12-115 of this division or in such a manner as to unreasonably inhibit or impede the flow of pedestrian traffic on the sidewalk.

(k) Cruising. The city manager may prohibit cruising throughout the city or in designated areas within the city in times of emergency, or at other times when some activity takes place within the city which will produce abnormal traffic congestion and danger to pedestrians and the city manager finds that cruising would add to the

congestion and danger. No such prohibition may be issued, except in case of an emergency, without notice and public hearing before, and a recommendation from the Board. When the city manager has issued such prohibition, it shall be unlawful for any person to cruise in the area designated.

(l) Refusal to carry passengers. No driver of a taxicab shall refuse or neglect to convey any orderly person, upon request, unless previously engaged, off duty, or unable or forbidden by the provisions of this article to do so.

(m) Cleanliness and appearance of drivers. Drivers of taxicabs shall be clean and dressed in neat, clean clothing at all times when serving the public. Whenever a driver's appearance is significantly changed by haircut or hair style, or modification, addition, or removal of a beard, moustache, side burns, toupee, wig, hair coloring, or the like, he shall submit within 30 days of such change two copies of a new photograph of himself in compliance with the requirements of section 9-12-42.

(n) Responding to dispatch calls. Every driver shall comply with the standards of dispatch service prescribed by regulation. Each driver must average not less than fifty percent of the average dispatch call volume set by regulation pursuant to section 9-12-32(c) for the company with which the driver is affiliated. Notwithstanding the foregoing, a company may set a different level of service for its drivers so long as the company meets the dispatch requirements set forth by regulation pursuant to section 9-12-32(c) and notifies the hack inspector of this policy.

(o) Complying with service regulations. All drivers shall comply with customer service related provisions prescribed by regulation.

(p) Complying with company service standards. Every driver shall comply with the service requirements issued by the taxicab company with which the driver is affiliated.

Sec. 9-12-58 Temporary suspension of permits

(a) The chief of police or the hack inspector shall have the power to suspend any driver's permit for a period not to exceed five days for any one or more of the following causes:

- (1) Any violation of section 9-12-56;
- (2) Any violation of section 9-12-57; or
- (3) Any violation of section 9-12-60.

(b) In addition to the foregoing, any driver who violates sections 9-12-56, -57 or -60 shall be guilty of a class two civil violation.

Sec. 9-12-59 Appeal from temporary suspension

Whenever the chief of police or hack inspector has suspended a permit pursuant to section 9-12-58, the driver may appeal to the Board, by filing a written notice of appeal with the hack inspector, within five days after being notified of his suspension. The hack inspector shall thereupon schedule, within a reasonable time, a hearing before the Board. Notice of such hearing shall be given the applicant at least five days

before the hearing. Any suspension shall be stayed pending the hearing before and decision of the Board. The Board shall have authority to affirm, reverse or modify the suspension appealed from. The action of the Board shall be final and there shall be no rehearing.

Sec. 9-12-60 Suspension and revocation of permits by the board.

(a) The Board shall have the power to recommend that the city manager suspend or revoke any driver's permit issued under the provisions under this division for any one or more of the following causes:

- (1) Violation of any law involving moral turpitude;
- (2) Failure to report any accident in which the driver is involved;
- (3) Violation of any law prohibiting the operation of motor vehicles while under the influence of any intoxicating beverage, controlled substance or drug;
- (4) Operation of a taxicab known by the driver not to be in good order or safe repair;
- (5) Repeated violations of traffic or safety laws of local, state or federal government;
- (6) Being impaired by a disease or infirmity which makes the driver an unsafe driver;
- (7) Violation of any law prohibiting hit and run driving, leaving the scene of an accident or similar law;
- (8) Failure to serve the public adequately;
- (9) Making a false statement prohibited by section 9-12-5 of this code;
- (10) Repeated failure to be clean and dressed in neat, clean clothing at all times when serving the public;
- (11) Doing any act or failing to do any act which act or omission jeopardizes the health, safety or welfare of the public;
- (12) Repeated suspension pursuant to section 9-12-58 of this code;
- (13) Repeated or egregious rude or discourteous conduct towards a passenger; or
- (14) Violation of any other provision of this article.

(b) In any hearing by the Board under this section, a conviction, plea of nolo contendere or forfeiture shall be conclusive evidence of a violation.

(c) The hack inspector shall give the holder of the permit at least 10 days notice by personal service or by certified mail to the address shown on the permit of the grounds for suspension or revocation and the time and place of hearing.

(d) The Board shall conduct a public hearing, and the city attorney, when requested by the hack inspector, shall present the case against the permit holder. The permit holder may present his own case or be represented by counsel.

(e) If the Board finds that one or more of the causes specified in subsection (a) exists, the Board shall recommend that the city manager suspend the driver's permit for not less than 30 days nor more than 120 days, or the Board may recommend that the city manager revoke the driver's permit, as it may in its discretion see fit.

(f) When a driver's permit has been revoked, no application for a new permit shall be accepted for one year following the revocation.

(g) The city manager's decision to suspend or revoke a driver's permit may be reviewed on the record by the Circuit Court of the City of Alexandria, to determine whether the Board and city manager applied the correct law, and whether the decision was arbitrary and capricious; provided a petition for review is filed with the Court within 30 days of the decision. The filing of such petition shall not stay the effect of such revocation or suspension, unless otherwise ordered by the Court. The Court may affirm or reverse the decision of the city manager, or vacate the decision and remand the matter with instructions.

Secs. 9-12-61 through 9-12-70 reserved.

DIVISION 4: Vehicle Permits

Sec. 9-12-71 Vehicle permit required; display.

No taxicab shall be operated under the authority of a certificate of public convenience and necessity issued by the city, and no person who owns or controls a such a taxicab, shall permit it to be so operated, and no such taxicab shall be operated at any time for hire, unless the owner of such taxicab shall have first obtained and shall have then in force a vehicle permit issued under the provisions of this division. Such permit shall be the property of the City, and shall be carried and displayed in a conspicuous place in the taxicab.

Sec. 9-12-72 Application.

(a) An application for a vehicle permit under this division shall be made in writing under oath on forms provided by the city manager; shall be filed with the hack inspector and shall contain at minimum the following information:

- (1) Full name of the applicant;
- (2) Applicant's current address;
- (3) Make, model and year of the vehicle;
- (4) Description of the insurance policy covering the vehicle;

(b) The application shall state thereon that "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for prosecution or denial or revocation of this vehicle permit."

Sec. 9-12-73 Charges for vehicle permit.

The fees and charges for an application for, and for the issuance and renewal of, a vehicle permit shall be established by regulation, and no application shall be filed, and no vehicle permit issued or renewed, unless and until such fees and charges shall have been paid.

Sec. 9-12-74 Issuance of permit; inspection of vehicle

Upon receipt of an application for a vehicle permit, the hack inspector shall make

or cause to be made an inspection of the vehicle. If the vehicle complies with the provisions of this division and with the regulations promulgated pursuant to this article, the hack inspector shall issue a vehicle permit for such vehicle. If the vehicle is found by the hack inspector not to meet the requirements, the hack inspector shall notify the applicant of all defects which must be remedied for the permit to be issued. If the defects are not corrected on re-inspection, the application for a vehicle permit shall be denied.

Sec. 9-12-75 Information to be shown on permits.

Each vehicle permit issued pursuant to this division shall contain at minimum the following information:

- (1) Vehicle permit number
 - (2) Name of the certificate holder under whose certificate the vehicle will be operated;
 - (3) Name of the owner;
 - (4) Expiration date;
 - (5) Year, make, model and Vehicle Identification Number (VIN);
 - (6) Make and serial number of radio and taximeter; and
 - (7) the fact that the permit is issued subject to the provisions of this article
- and may be suspended or revoked if the provisions of this article are violated.

Sec. 9-12-76 Expiration of permit.

All vehicle permits issued under this division shall expire one year from the date of issuance of the permit on June 30 next after issuance, unless sooner suspended or revoked.

Sec. 9-12-77 Renewal of permit.

A vehicle permit may be renewed, provided the applicant follows the procedure set forth for original applications. The renewed permit shall expire one year from the date of issuance.

Sec. 9-12-78 Permit nontransferable before inspection.

(a) A vehicle used as a taxicab may be transferred to a new owner, either for use as a taxicab or otherwise. However, if the vehicle is to be used as a taxicab by the new owner, the vehicle permit may not be transferred to the new owner unless and until the hack inspector has inspected the vehicle and determined that the vehicle complies with all requirements for a new permit. Such inspection shall be conducted within a reasonable period of time.

(b) If a vehicle ceases to be used as a taxicab, the permit for that vehicle shall forthwith be surrendered to the hack inspector, and a new permit applied for and obtained for the replacement vehicle, if any.

Sec. 9-12-79 Suspension of permits

(a) The chief of police or the hack inspector shall have the power to suspend a vehicle permit for a period not to exceed five days for one of the following causes:

(1) Failure to maintain the taxicab in good order and repair.

(2) Violation of the requirements set forth in Section 9-12-81 of this division.

(b) The chief of police or the hack inspector shall have the power to suspend a vehicle permit until such time that the vehicle is safe to operate if the vehicle is found to be in violation of Section 9-12-80 of this division.

(c) The chief of police or the hack inspector shall have the power to suspend a vehicle permit until such time that the vehicle is insured as required by Section 9-12-6 of this article.

(d) In addition to the foregoing, any vehicle owner or driver who violates section 9-12-80 or -81 shall be guilty of a class two civil violation.

Sec. 9-12-80 Vehicles to be in safe condition.

Every taxicab and the equipment used in connection therewith, subject to a vehicle permit pursuant to this division, shall be kept at all times in proper and safe mechanical and operating condition to the satisfaction of the hack inspector.

Sec. 9-12-81 Requirements for vehicles

Every taxicab and the equipment used in connection therewith, subject to a vehicle permit pursuant to this division, shall at all times comply with the following minimum standards:

(a) Vehicles to be clean. All taxicabs shall at all times be kept clean and sanitary to the satisfaction of the hack inspector.

(b) Ventilation of vehicles; lights. Every taxicab shall be equipped with properly functioning heating, air conditioning and windows and passenger cabin lights.

(c) Body types of vehicles; seating capacity. Every taxicab shall be of a vehicle type approved by regulation with four doors, at least two seats and not less than five-passenger capacity; provided, however, that any taxicab, otherwise in compliance with the provisions of this article may, upon the written application to and approval of the city manager, and having only three (3) doors, may be used to provide transportation to handicapped or otherwise physically disabled persons.

(d) Shades and curtains. No taxicab shall be equipped with shades or curtains which can shield any occupant from observation.

(e) Speedometers. Every taxicab shall be equipped with a standard speedometer, properly installed and kept in good working order at all times.

(f) Rear-view mirror. Every taxicab shall be equipped with an adjustable rear-view mirror, properly installed.

(g) "Off duty" signs. Every taxicab shall carry, prominently displayed on the front windshield, a sign bearing the words "Off Duty," whenever the vehicle is driven by an operator other than a duly licensed taxicab driver, or is transporting a nonpaying passenger, or is not in service.

- (h) Information to be displayed on outside of vehicle.
- (1) Every taxicab shall bear on the rear thereof and on each side thereof in lettering at least two and one-half inches high the word "taxicab" or "cab."
- (2) The certificate number under which the taxicab is operated, clearly visible, shall be placed on the rear and on each side of each taxicab.
- (3) The prevailing rates of fare shall be displayed on each side of the taxicab by means of cards or stickers, furnished by the director of finance at a cost established by regulation, placed in the side rear window in such a manner as to be visible from the outside. The form, size and content of said cards or stickers shall be as approved by the hack inspector.
- (i) Display of permit. Every driver shall post his driver's permit in such a place as to be in full view of all passengers while the driver is operating a taxicab.
- (j) Display light. Every taxicab shall be equipped with a plainly visible light signal on the exterior of the cab of a design approved by the hack inspector, which signal shall be turned on and exhibited at all times when the taxicab is on duty and available for hire.
- (k) Two way radios. Every taxicab shall be equipped with a two way radio, properly installed and kept in working order at all times. Such radios shall be operated in compliance with the regulations of the Federal Communications Commission. Each radio unit will have the ability to conduct a two way conversation with the taxicab dispatcher. The hack inspector shall be provided with the serial number of each radio.
- (l) Age of vehicles. Except for hybrid or alternative fuel vehicles, no vehicle permit shall be issued for a taxicab that is older than eight model years; provided, however, that a taxicab that was lawfully being operated as of July 1, 2005, may continue in operation until July 1, 2007, provided such vehicle complies with all other provisions of this article. No vehicle permit shall be issued for a hybrid or alternative fuel taxicab that is older than ten model years; provided, however, that such a taxicab that was lawfully being operated as of July 1, 2005, may continue in operation until July 1, 2007, provided such vehicle complies with all other provisions of this article.
- (m) Taximeters. Every taxicab shall be equipped with a taximeter in compliance with section 9-12-131.

Secs. 9-12-82 through 9-12-110 reserved.

DIVISION 5 Taxicab Stands

Sec. 9-12-111 Establishment of stands.

The Board may establish taxicab stands at such places as it deems necessary for the public convenience. The Board's may act on its own motion or on the written application of any abutting owner, after a public hearing and 15 days notice to the public and to the owner of the property abutting and across the street from the proposed taxicab stand. No stand shall be established which would tend to create a traffic hazard or aggravate an already existing hazard.

Sec. 9-12-112 Abolition of stands.

(a) The Board may, after notice and public hearing, abolish any taxicab stand which in its opinion is either:

- (1) No longer necessary for the taxicabs or for-hire vehicles using it;
 - (2) No longer in the best interest of the public convenience;
 - (3) Creating an unduly hazardous traffic condition; or
 - (4) Adversely affecting nearby property or the occupants thereof.
- (b) The action of the Board shall be final.

Sec. 9-12-113 Doing business on street at other than duly established stands.

It shall be unlawful for any owner or driver of a taxicab or certificate holder to use as a place of business any parking meter space in the city or any portion of a street except at an authorized stand. For the purpose of this section, the actual transportation of passengers and the loading and unloading of passengers shall not be construed as doing business, but parking or standing while waiting for fares, calls, or dispatch shall be construed as doing business.

Sec. 9-12-114 Use of stands

(a) Except as provided in section (b), vehicle stands shall be used only by on duty drivers authorized to perform taxicab services by this article.

(b) Any person shall have the right to stop temporarily in any taxicab stand for the purpose of discharging or receiving passengers or for loading or unloading merchandise, and the owner or occupant of the abutting property shall have reasonable right of ingress and egress, but no person other than the driver of a taxicab authorized to use such stand shall park therein.

Sec. 9-12-115 Drivers to attend and keep near vehicles at stands.

Drivers of taxicabs parked at any taxicab stand, shall at all times keep their taxicab attended and remain within 20 feet of their taxicab.

Secs. 9-12-116 through 9-12-130 reserved.

DIVISION 6 Fares

Sec. 9-12-131 Taximeters.

(a) All taxicabs shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be operated mechanically or electronically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached

driving mechanism. It shall be inspected and certified by the hack inspector at an annual cost determined by regulation for each meter, at all points and connections which, if manipulated, would affect its correct reading and recording. Each taximeter shall be equipped with a mechanism or display which indicates when the vehicle is engaged and when it is not engaged; and the driver shall actuate the taximeter at the commencement of each trip and stop the taximeter at the termination of each trip. Any taximeter shall be subject to inspection upon demand by the hack inspector, or any police officer, and if the taximeter is determined to be inoperative or inaccurate, the taxicab shall cease to be operated until the taximeter is repaired, inspected and certified by the hack inspector.

(b) When any taxicab is operated pursuant to a contract as permitted under section 9-12-133, any provision of this section in conflict with the terms and conditions of such contract shall not apply.

Sec. 9-12-132 Amount of fare to be charged.

(a) The rates to be charged to passengers in taxicabs shall be as follows. It shall be unlawful to make any greater or lesser charge:

(1) For the initial meter charge (referred to as the first drop), \$2.75.

(2) For the second and for each additional passenger who is five years of age or older, \$1.25.

(3) For each one-fourth mile or fraction thereof for one or more passengers, \$0.40.

(4) For each one hour of waiting time for one or more passengers, \$18. The incremental cost of this charge shall be \$0.40 for each 80 seconds. Waiting time shall include time consumed while the taxicab is waiting and available to passengers beginning three minutes after the time of arrival at the place to which it has been called, time consumed while the taxicab is stopped or slowed for traffic to a speed of less than seven miles per hour and time consumed for delays or stopovers enroute at the direction of a passenger. No time shall be allowed for a premature response to a call. There shall be no charge for mileage when time is being charged for a taxicab that is stopped or slowed for traffic to a speed of less than seven miles per hour. Waiting time shall not include time lost on account of the inefficiency of a taxicab.

(5) For each suitcase or similar piece of travel luggage placed in the trunk, \$0.50 if handled by the driver.

(6) For each trunk, footlocker, duffel bag or other bulky or heavy item, \$2, if handled by the driver, provided that there will be no charge for wheelchairs, walkers, crutches or other items used to assist persons with disabilities.

(7) For three or more grocery and/or shopping bags, \$1, if handled by the driver in the immediate vicinity of the taxicab, plus an additional \$1, if carried by the driver to the door of a single-family residence, or the main entrance of any building other than a single-family residence. There shall be no charge made for fewer than three grocery and/or shopping bags. The maximum charge for all grocery and/or shopping bags shall be \$2.

(8) For each animal, \$1; provided, that there shall be no charge for guide dogs or service animals assisting persons with disabilities.

(9) For each trip originating at Ronald Reagan Washington National Airport, the fee required to be paid to the airport for the privilege of picking up passengers.

(10) Taximeter fares may be increased by \$5 during any period in which a snow emergency plan is in effect in the city, as declared by the city manager or his authorized representative. The transportation division of the department of transportation and environmental services will notify each taxicab company by telephone of the exact time the snow emergency plan is to go into effect and the exact time that the snow plan is terminated.

(11) Taximeter fares may be increased by a surcharge authorized by the city manager, in the event that the city manager determines that a sudden increase in the cost of gasoline requires a surcharge to maintain stability in the provision of taxicab services in the city and to prevent the gas cost increase from having a serious adverse financial impact on the drivers of taxicabs. The surcharge shall continue in effect for such period, not to exceed one year, as the city manager shall determine, but may be terminated sooner if the manager determines that the surcharge is no longer warranted. The determination of the city manager shall be based on information provided by taxicab companies, and from such other sources as the city manager deems appropriate. The transportation division of the department of transportation and environmental services will notify each taxicab company in writing of any such surcharge. Such notice shall indicate the amount of the surcharge, and the period during which such surcharge shall be permitted. The hack inspector shall furnish to the driver of each taxicab operated under this article a copy of such notice, which shall be displayed within the vehicle in addition to the rate card required under section 9-12-134.

(b) This section shall not apply when any taxicab is operated pursuant to a contract provided for in section 9-12-133 of this chapter.

(c) Nothing contained herein shall prevent a certificate holder from establishing a coupon or reward program for its customers where a discount coupon, customer loyalty certificate or some other marketing device is accepted as part of the allowed fare set forth herein.

Sec. 9-12-133 Taxicab services and fares for elderly or physically handicapped persons, or for other specifically authorized services, pursuant to a contract between a certificate holder and the city or a nonprofit private or public organization.

Any certificate holder may enter into a contract, on an annual or semiannual basis, with the city or any nonprofit private or public organization to provide taxicab services for elderly or for physically handicapped persons, or for other specific services to the general public, as specified in the contract, under a fare schedule agreed upon in the contract. Any person operating a taxicab pursuant to such a contract shall comply with all other provisions of this article. Notwithstanding the foregoing, the city is not limited to contracting with a certificate holder for the provision of transportation services for such elderly or physically handicapped persons.

Sec. 9-12-134 Display of rate of fare by card.

(a) Every taxicab shall have displayed in such a place within the vehicle as to be in view of passengers a rate card to be furnished by the hack inspector, at a cost established by regulation, showing the rates prescribed by this article.

(b) The rates shall also be displayed so as to be visible from the inside and outside of the vehicle as provided in section 9-12-94.

Sec. 9-12-135 Refusal of passenger to pay legal fare.

It shall be unlawful for any person to ride in a taxicab with intent to obtain passenger service without paying the lawful fare under the schedule set out in section 9-12-132 or 9-12-133, whichever applies. Refusal to pay for service shall be prima facie evidence of such intent under this section

Sec. 9-12-136 Receipts for amounts charged.

The driver of any taxicab shall, upon request by a passenger, provide a written receipt for the amount charged, stating the name of the driver, driver's permit number, vehicle permit number, company name, amount of fare and additional charges and the date of the transaction. Such receipt shall also include the taxicab company's phone number and the hack inspector's phone number and state that complaints as to fares and services may be made to either or both the company and the hack inspector.

Sec. 9-12-137 Carrying additional passengers when engaged.

Once a passenger has engaged and entered a taxicab for taxicab services, no other person shall be transported in such taxicab until the destination is reached without the consent of such passenger.

Sec. 9-12-138 Carrying several passengers to different destinations.

If two or more passengers, bound for different destinations, agree to engage a taxicab for taxicab services, the fare shall be allocated as follows: whenever a passenger gets out and pays the fare, the meter shall be reset upon that passenger's departure, but when the departing passenger does not pay the fare, the meter shall not be reset and the full fare shall be paid by the last passenger delivered.

Secs. 9-12-139 through 9-12-140 reserved.

DIVISION 7. Dispute Resolution

Section 9-12-141 Scope.

The provisions of this division shall apply to every certificate of public convenience and necessity issued under division 2 of this article; to every driver's permit issued under division 3 of this article; to every person who operates a taxicab subject to this article, and to every person who suffers, permits or allows the operation

under such person's color scheme, insignia or trade name, of a taxicab subject to this article, from and after July 1, 2005.

Section 9-12-142 Required conditions.

Every certificate of public convenience and necessity issued under division 2, and every driver's permit issued under division 3, of this article, and the right to operate a vehicle, or to suffer, permit or allow the operation of a vehicle under a person's color scheme, insignia or trade name, pursuant to this article shall be subject to the following terms and conditions:

(a) The license or permission held by any person who holds a valid driver's permit under division 3 to operate a vehicle under a taxicab company's color scheme shall not be terminated, suspended or impaired, and such driver's right to enjoy the resources and benefits provided by such company on the same basis as other similarly situated drivers for the company shall not be terminated, suspended or impaired, except where such termination, suspension or impairment is reasonable and for good cause.

(b) For purposes of this section, "good cause" means one or more of the causes set forth in section 9-12-58 of this code for the temporary suspension of a driver's permit by the chief of police or hack inspector; one or more of the causes set forth in section 9-12-60 of this code for the suspension or revocation of a driver's permit by the Board, or a material failure of a driver to comply with established, written rules or practices of the company or to perform in accordance with his or her written contract with the company, after reasonable notice and an opportunity to comply or perform.

(c) Nothing in this section shall be deemed to impair the authority of the chief of police, hack inspector or Board under this article.

Section 9-12-142 Dispute resolution procedures.

Each taxicab company may opt to have a written dispute resolution procedure as part of its agreements with its drivers, so long as such a dispute resolution procedure incorporates, at a minimum, binding arbitration pursuant to the Commercial Arbitration Rules, R-1 through R-56 of the American Arbitration Association. In the event that a taxicab company does not have an agreement with any driver incorporating such a dispute resolution procedure and said taxicab company is involved in a dispute with such a driver, then such dispute will be subject to the provisions of this section, as follows:

Disputes subject to the provisions of this division shall be subject to the following procedures:

(a) Disputes shall first be the subject of an internal grievance procedure which shall be conducted as follows:

(1) The aggrieved party shall submit a complaint in writing to the taxicab company within 30 days from the date of the company's action, containing a written statement of the matter in dispute and the names, addresses and telephone numbers of each party to the dispute.

(2) Within two weeks after the submission of the written complaint, the

company shall appoint a representative from within the company to hear the dispute. Such representative shall be impartial, and shall have had no direct or indirect involvement in the dispute.

(3) Within two weeks after said appointment, the representative shall conduct an informal hearing concerning the dispute.

(4) Both parties shall use best efforts to resolve the dispute.

(5) Within two weeks after the hearing has been concluded, the company representative shall render a written decision.

(b) If the dispute is not resolved through the internal grievance procedure, both parties may agree to informal or formal mediation of the dispute, pursuant to subsection (c). If the parties fail to agree to mediation, either party may elect to proceed to arbitration, pursuant to subsection (d).

(c) Informal or formal mediation.

(1) Within two weeks after the internal grievance procedure has been concluded, any party requesting mediation shall submit a written notice requesting mediation to all parties.

(2) Within two weeks after such notice has been submitted, the parties may agree to an impartial person to mediate the dispute in an informal process. If the parties do not so agree, the party requesting mediation shall submit a written Request for Mediation to the American Arbitration Association (AAA). If the parties are unable to agree to mediation, either party may elect to proceed to arbitration, pursuant to subsection (d).

(3) A Request for Mediation shall contain a brief statement of the dispute, and the names and addresses and telephone numbers of each party to the dispute.

(4) The mediator shall notify all parties of the time, date and place of the mediation.

(5) The costs of the mediation shall be borne equally by the parties unless they agree otherwise in writing.

(6) The mediation conducted by AAA shall be in substantial accord with the American Arbitration Association Commercial Mediation Rules, M-1 through M-17. Copies of such rules shall be available at city hall.

(7) The mediator may end the mediation if, in the sole discretion of the mediator, the continuation of the mediation would not be useful.

(8) The parties in mediation shall use their best efforts to resolve the issues in controversy and the mediator may execute a written settlement agreement if agreed on by the parties but may not impose a settlement on the parties.

(d) Where neither the internal grievance procedure, nor mediation if attempted, has resolved the issues in dispute, either party may submit the matter to arbitration, which shall be binding upon the parties. Such arbitration shall be conducted as follows:

(1) Within two weeks after the mediation process or the internal grievance procedure has been concluded, the party requesting arbitration shall submit a written notice of intent to arbitrate to all parties.

(2) Within two weeks after such notice has been submitted, an impartial person to arbitrate the dispute shall be agreed upon by the parties, or, if the parties do not so agree, the party requesting arbitration shall submit a written Request for

Arbitration to the American Arbitration Association (AAA) and simultaneously mail a copy of the Request for Arbitration to every party to the dispute.

(3) A Request for Arbitration shall contain a brief statement of the dispute, and the names and addresses and telephone numbers of each party to the dispute.

(4) The arbitrator shall notify all parties and their representatives, if any, of the time, date and place of the arbitration.

(5) The costs of the arbitration shall be borne by the party which does not prevail, unless the parties agree otherwise in writing, or the costs are otherwise apportioned by the arbitrator if there is no prevailing party.

(6) The arbitration, whether conducted by AAA or another arbitrator chosen by the parties, shall be in substantial accord with the American Arbitration Association Commercial Arbitration Rules, R-1 through R-56. Such rules shall be made available to all parties at the Alexandria Hack Office.

(7) The arbitrator may conclude the arbitration hearing if in the sole discretion of the arbitrator, continuation of the hearing would not be useful.

(8) Within two weeks after the arbitration hearing has been concluded, the arbitrator shall render an award in writing, which shall be binding upon the parties and which may be enforced by any court having jurisdiction over the parties.

(e) For purposes of this section, "dispute" means a disagreement between a person who holds a division 3 permit and the company under whose colors he or she drives over whether an action taken by the company to terminate, suspend or impair such person's license or permission to drive under the company's colors, or to terminate, suspend or impair his or her right to enjoy the resources and benefits provided by the company, on the same basis as other similarly situated company drivers, was reasonable and based upon good cause.

Section 9-12-143 Penalties.

A knowing failure to adhere to the dispute resolution procedures established by this division shall constitute a class four civil violation, pursuant to section 1-1-11 of this code, and may, in addition, constitute grounds for suspension or revocation of a certificate of public convenience and necessity issued under division 2, or driver's permit issued under division 3, of this article.

Section 9-12-144 Regulations.

The city manager may promulgate such regulations as deemed advisable for the administration and enforcement of this division 7.

Section 9-12-145 through Section 9-12-150 reserved.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

OTHER

43. Consideration of City Council Schedule.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Macdonald and carried unanimously, City Council received the tentative schedule of Council's regular City Council meetings for September 2005 through June 2006, to include the following: to reserve Saturday, October 29 as the date for Council's annual fall retreat; to note the following event that has been included on the Council Calendar: The City's annual USA/Alexandria Birthday Celebration on Saturday, July 9 from 6:00 p.m. to 10:30 p.m. at Oronoco Bay Park.

Councilwoman Woodson said the public hearing in September is presenting a problem for her because she is on the NLC National Finance Steering Committee, and they have a meeting that weekend out of town.

Mayor Euille said he is also on an NLC Policy Committee, and he may also be out of town for that weekend.

Councilman Smedberg said he may miss the public hearing in November, as he may be out of town.

The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Macdonald	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council adjourned the regular meeting of June 14, 2005, was adjourned at 12:01 a.m. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, City Clerk